**TOWN OF  HARWICH**

***732 Main Street***

***Harwich, MA 02645***

**HARWICH CONSERVATION COMMISSION - MINUTES**

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

**WEDNESDAY JULY 6, 2022 –6:30 PM**

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

**Commissioners and Staff Present:** Chairman Ernest Crabtree, Jim Atkinson, John Ketchum, Alan Hall, Mark Coleman, Wayne Coulson, Associate Member Stan Pastuszak and Conservation Administrator Amy Usowski

Commissioners Absent: Brad Chase

**Audience and Representatives Present:** Rick Judd, Dan Ojala, Kathleen Steves, Sean Riley, Richard Waystack, Stephanie Sequin, Tom Smith, Chris Alphen, Jim Mitchell, Mark McKenney, Chris Pons

**Call to Order**

Chairman Ernest Crabtree called the meeting to order at 6:30PM.

**HEARINGS**

**Vote**

**Vote to give approval for submission of the LAND Grant application for the 0 Spruce Rd property**

Ms. Usowski explained that the Town hoped to support the submission of a LAND Grant application, which would give some funding toward the purchase of 0 Spruce Rd, the purchase having been approved at Town Meeting.

Mr. Atkinson moved to approve the submission of the LAND Grant application. Seconded by Mr. Ketchum. Motion carried, 6-0.

**The following applicants have filed a Request for a Determination of Applicability**

**Douglas and Emma Karlson, 100 Grey Neck Rd, Map 11 Parcel X5.** Septic Upgrade.

Rick Judd, Moran Engineering, presented the project. Mr. Judd explained that the proposal was to replace the existing septic, which had failed, and was within an AE Flood Plain, but not within the buffer to any other wetlands. Ms. Usowski recommended approval of the project with a negative 2 determination, and the condition that no fertilizers or chemicals be allowed within the Flood Zone.

Mr. Crabtree asked if the septic could be moved to the side of the house which would put it outside of the Flood Zone, and Mr. Judd responded that the leach field would not fit with a different configuration.

Mr. Atkinson moved to approve the project with a Negative 2 Determination. Seconded by Mr. Coleman. Motion carried, 6-0.

**Kathleen Steves, 426 Main St, Map 47 Parcel A3-1.** Proposed Addition, Deck Expansion, and Tree Removal.

Dan Ojala, Down Cape Engineering, presented the project. Mr. Ojala explained that they were looking to add a 12’x25’ addition and deck expansion, with only 110sqft of hardscape being added within the 100ft buffer zone. Mr. Ojala stated that 220sqft of mitigation plantings were proposed for the hardscape expansion, and that they also wished to remove three trees, including two maple trees and one dead pine tree which were within the buffer zone. Ms. Usowski asked whether the addition would be on a full foundation, and Mr. Ojala responded that it would. Ms. Usowski recommended approval of the project with a negative 3 determination with the condition that no fertilizers or chemicals be allowed within the 100ft buffer zone.

Hearing no comments, Mr. Atkinson moved to approve the project with a Negative 3 Determination. Seconded by Mr. Coleman. Motion carried, 6-0.

**Paul and Susan Cicco, 45 Neel Rd, Map 16 Parcel N1-41.** Proposed Addition, Pool, Pool House and Hardscape.

Sean Riley, Coastal Engineering, presented the project. Mr. Riley explained that this application followed a Request for Resource Area Delineation that had been withdrawn, as the coastal bank on the property would not act as a traditional coastal bank. Mr. Riley stated that the application included filling a portion of the depression on the property, in order to install a pool, pool house, addition, and associated hardscape. Ms. Usowski stated that this coastal bank did not act as a sediment source, nor was it habitat, but may help to prevent flooding in the event of a storm, so the Commission had previously decided that they would consider granting a variance. Ms. Usowski stated that normally, 4:1 mitigation would be required as this project was proposed on a coastal bank, but since the bank was not significant to the interests of a coastal bank as defined by the Wetlands Protection Act, she instead recommended requiring mitigation at a 1:1 ratio. Ms. Usowski asked that the applicant add the 50 and 100ft buffer lines to the plan, and stated that she could not give a recommendation until these items were decided. Mr. Riley stated that they had not proposed mitigation because they did not feel that this project would impact the resource area, but that they could add mitigation if the Commission deemed it necessary.

Mr. Atkinson stated that he would be in favor of 1:1 mitigation. Mr. Ketchum asked that the applicant provide a planting plan for the slope that would be created by bringing in fill, since it would likely be quite steep. Mr. Pastuszak and Mr. Crabtree agreed that they would like information on how the slope would be treated. Mr. Crabtree expressed concern that filling the depression would potentially impact neighboring properties in the event of a flood, and Mr. Riley responded that the extent of the flood waters would be at that AE11 contour, regardless of whether they moved the slope. Mr. Riley stated that they would be amendable to planting a native grass mix and native shrub colonies in the rear area, and to slope stabilization in the form of biodegradable erosion control blankets.

Richard Waystack, abutter, stated that he wanted to make sure that the bank would be stabilized, as he did not want increased runoff and sediment to impact his property. Mr. Waystack asked that the applicants consider their neighbors when making light and speaker choices around the pool area.

Mr. Riley requested a continuance to the July 20, 2022 Meeting. Mr. Atkinson moved to continue the hearing. Seconded by Mr. Coulson. Motion carried, 6-0.

**Tom Smith, 52 North Rd, Map 19 Parcel S1.** Have requested a change to the 2019 Determination and approved plan as part of the following request for an Amended Order for 47 North Rd.

**The following applicants have requested an Amended Order of Conditions**

**Tom Smith, 47 North Rd, Map 19 Parcel S2.** Have requested to amend Order of Conditions SE32- 2373 to allow for the installation of a sewage ejector and force main in place of the approved tight tank installation.

Mr. Crabtree opened the hearings for 52 and 47 North Rd, as the proposed Amendment and Plan Change were combined.

Stephanie Sequin, Ryder and Wilcox, presented the project. Ms. Sequin stated that Tom Smith, owner, Attorney Chris Alphen and Jim Mitchell were also present. Ms. Sequin explained that they hoped to combine the previously approved septic plans for each property, 47 and 52 North Rd, into one shared septic system between the two properties. The expanded system would be a three-bedroom septic in a similar location to what had been approved at 52 North Rd, and would be connected to 47 North Rd with a sewage ejector pump and force main. The new proposed system would replace the previously approved tight tank at 47 North Rd and 2-bedroom septic system at 52 North Rd. Attorney Alphen stated they were aware that there were some ongoing issues on the property, but that his client would continue to make efforts to bring the property into compliance, and that they hoped that the Commission would consider approving the proposed changes to the septic systems.

Ms. Usowski explained that she and the applicants had originally discussed the change in plan with only the changes to the septic system at 52 North Rd, but that the request now also included the relocation of the driveway as well, so she recommended requiring the applicant to file a new RDA as this went beyond the scope of the original RDA. Commission members stated that they would like to see the outstanding issues resolved before approving any large changes on the property. Ms. Sequin asked whether they could go forward with the change to the septic systems as presented if the driveway relocation was removed from the proposal. Mr. Crabtree responded that the concern for the Commission was more that there were other outstanding issues and fines, not just the driveway relocation. Attorney Alphen asked whether the Commission would be open to continuing the hearings to allow the applicant to work toward bringing the properties into compliance, rather than voting at this meeting. Mr. Smith, owner, stated that he would try to resolve some of the issues on the properties, and requested a continuance to the August 3, 2022 Meeting. Commission members stated that they were not comfortable with continuing to a date certain, as they did not think enough work would get done in a month.

Mr. Atkinson moved to continue the request for a change in plan for 52 North Rd, indefinitely. Seconded by Mr. Coulson. Motion carried, 6-0.

Mr. Atkinson moved to continue the request for an Amended Order of Conditions for 47 North Rd, indefinitely. Seconded by Mr. Coulson. Motion carried, 6-0.

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

**Donald Annino, 14 Mill Point Rd, Map 1 Parcel J1-94.** Proposed Pier, Ramp, Float, and Dredging. **Applicant has requested a continuance to the July 20, 2022 Meeting.**

Mr. Atkinson moved to continue the hearing to July 20, 2022. Seconded by Mr. Coulson. Motion carried, 6-0.

**Michael Lach, Harwich Conservation Trust, Cold Brook Preserve, Map 23 Parcels C3-2, C1-0, and C1-1.** Ecological Restoration. **Applicant has requested a continuance to the July 20, 2022 Meeting.**

Mr. Atkinson moved to continue the hearing to July 20, 2022. Seconded by Mr. Coulson. Motion carried, 5-0-1, Mr. Hall abstained.

**Orders of Conditions**

**Catherine Shanahan, 47 Saquatucket Bluffs Rd, Map 9 Parcel A1-3.** Beach Access Stairs.

Mr. Crabtree asked that Ms. Usowski check to make sure that the Commission had not required 3/4inch spacing between the decking, and Ms. Usowski stated that she would.

Mr. Atkinson moved to approve the Order of Conditions with the correct spacing for the deck boards. Seconded by Mr. Ketchum. Motion carried, 6-0.

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

**Craig Borden, 2A Hinckley Rd, Map 91 Parcel J3-8. SE32-2266.** Seasonal Dock and Boathouse Reconstruction.

Ms. Usowski recommended approval of the Certificate of Compliance.

Mr. Coulson moved to approve the Certificate of Compliance. Seconded by Mr. Atkinson. Motion carried, 6-0.

**Mark McKenney, 44 Smith St, Map 19 Parcel A5. SE32-2309.** Construction of Metal Accessory Building.

Ms. Usowski recommended approval of the Certificate of Compliance.

Mr. Atkinson moved to approve the Certificate of Compliance. Seconded by Mr. Coleman. Motion carried, 6-0.

**Christine McBennett, 19 Shore Rd, Map B1 Parcel 10. SE32-1477.** Installation of Septic System.

Ms. Usowski recommended approval of the Certificate of Compliance.

Mr. Atkinson moved to approve the Certificate of Compliance. Seconded by Mr. Coulson. Motion carried, 6-0.

**Martin Leddy, 34 Red Pine Dr, Map 82 Parcel X18. SE32-2454.** New Dwelling and Appurtenances.

Ms. Usowski stated that this request had been withdrawn.

**Discussion and Possible Vote**

**163 Sisson Rd – Discussion and possible vote about unpermitted activity and actions taken since**

Owner, Chris Pons, was present. Ms. Usowski explained that the owner had cleared within the 100ft buffer zone without authorization, and that he had removed knotweed and seeded the area to keep it stable. Ms. Usowski stated that she had found the 50ft buffer zone which was shown on the plan that was provided to them, and that the plan also showed her recommendations for the revegetation of the 0-50ft buffer. Ms. Usowski recommended a native grass mix for the 50-100ft buffer. Mr. Pons stated that he was amenable to the recommendations that Ms. Usowski had made, and stated that he had retained Cape Organics to do the work. Mr. Pons stated that he had removed the split rail fence from the 50ft buffer, but requested that he be allowed to leave the fence on the 50ft buffer.

Mr. Hall asked whether a Notice of Intent was needed for this work, and Ms. Usowski explained that the revegetation plan could be done under the Enforcement Order, but that a Notice of Intent was sometimes required if more than clearing had been done, or if the owner of the property was not cooperative with the revegetation order. In this case, the Commission could vote to approve the revegetation plan, and the Enforcement Order would serve as the documentation required for the work.

Mr. Atkinson moved to approve the revegetation plan created by Ms. Usowski, with the condition that any changes would need to be approved by the Conservation Administrator or the Commission. Seconded by Mr. Coulson. Motion carried, 6-0.

**2 Harvest Hollow – Discussion and possible vote about unpermitted fence**

Ms. Usowski stated that the owner was not present, so asked that the Commission continue this to the July 20, 2022 meeting.

Mr. Atkinson moved to continue this item to the July 20, 2022 meeting. Seconded by Mr. Coulson. Motion carried, 6-0.

**Vote to appoint Conservation liaison to CPC**

Mr. Ketchum stated that he was happy to continue in his position as CPC Liaison.

Mr. Coulson moved to re-appoint John Ketchum as CPC Liaison. Seconded by Mr. Atkinson. Motion carried, 6-0.

**Minutes**

**April 20, 2022**

Mr. Crabtree made grammatical corrections.

Mr. Ketchum moved to approve the minutes. Seconded by Mr. Atkinson. Motion carried, 6-0.

**May 4, 2022**

Ms. Usowski explained that this meeting they had a power surge, so there was only one hearing before everything else was continued, so the meeting recording was not available.

Mr. Ketchum stated that he was present at this meeting.

Mr. Crabtree asked that they table this set until the July 20, 2022 meeting so that Ms. Usowski could check to see if the recording had been uploaded or if it was available.

**June 28, 2022 On-Site**

Mr. Ketchum moved to approve the June 28, 2022 minutes. Since Mr. Hall and Mr. Coulson abstained, this item was tabled to the July 20, 2022 meeting.

**Other Business**

Ms. Usowski stated that the OneCape Summit was upcoming on August 1 and 2, 2022, and that she would send out more details as she received them. Mr. Ketchum mentioned that APCC and the Cape Cod Commission were looking to form a Cape Cod Pond Network, which would be a forum for stakeholders to focus on maintaining pond health, and that this would be a topic discussed at OneCape.

Mr. Crabtree stated that two sessions of Open Meeting Law training would be held on Tuesday, July 26, 2022, and that all Commission members and staff were highly encouraged to attend.

Mr. Crabtree asked that Ms. Usowski give an update on the Herring River study at the July 20, 2022 Meeting.

**Adjournment**

Mr. Coleman moved to adjourn the meeting at 8:12PM. Seconded by Mr. Hall. Motion carried, 6-0.

Respectfully Submitted,

Melyssa Millett

Approved: 1/4/2023