**TOWN OF  HARWICH**

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***Harwich, MA 02645***

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**HARWICH CONSERVATION COMMISSION – MINUTES**

**WEDNESDAY, NOVEMBER 20, 2019--6:30 P.M.**

**SMALL HEARING ROOM, HARWICH TOWN HALL**

**Commissioners and Staff Present:** Chairman Brad, Chase Carolyn O’Leary,James Donovan, Stanley Pastuszak, Mark Coleman, John Ketchum, Associate Member Ernie Crabtree and Assistant Conservation Agent Nicole Smith

Commissioners Absent: Paula McGuire

**Audience:** Matt Farrell, Bill Gibson, David Riquinha, Charlie Agro,Adelson Aristhomene, Thadd Eldredge

**Call to Order**

By Chairman Brad Chase

**HEARINGS**

**Notices of Intent**

**William Gibson, 14 Sequattom Rd, Map 101 Parcel R-3.** New dwelling.

Matt Farrell, JM O’Reilly and Associates, was present as representative, along with owner, Bill Gibson. Mr. Farrell presented the revised plan which included a reduced patio width, so that the patio was outside of the 60ft buffer. Ms. Smith stated that the mitigation requirement had been met, and that the patio now met the no-new-structure regulation.

Mr. Chase asked whether the row of shrubs at the top of the bank had been included in the new plan, and Mr. Farrell responded that it had not, but that the density of the shrubs that would be planted in the areas of invasive removal would be conducive to a dense native buffer, as the existing native plants were to remain in those areas.

Ms. O’Leary moved to approve the Notice of Intent. Seconded by Mr. Pastuszak. Motion carried, 6-0.

**Mary Judge, 6 & 10 Neel Rd, Map 9 Parcel A7-1 & 2.** Shorefront protection.

David Riquinha, project contractor, and Charlie Agro, Coastal Engineering, were present as representatives. Mr. Agro stated that they had received a review from NHESP, in which they had conditioned that the slope be no greater than 10:1, so he had prepared a new plan to meet that condition. Mr. Agro added that the nourishment below Mean High Water(MHW) had been removed from the plan, as well as the groin reconstruction, since they planned to do an eelgrass survey in the coming summer. If the eel grass survey showed no eel grass in the vicinity, the applicant would return to the Commission for approval of the nourishment below MHW and the groin reconstruction. Mr. Chase stated that the Commission had always been very hesitant to approve nourishment below MHW, so they should also look into other potential impacts in that area. Ms. Smith stated that they would recommend approval of the project as it was now proposed, with the condition that the area of dune nourishment outside of the walking path be planted.

Mr. Ketchum asked why the entire area could not be 10:1 rather than having the dune area be 3:1. Mr. Agro responded that a slope of 10:1 would not provide enough buffer to keep the beach from eroding as it was currently, and that the 10:1 slope on the beach area was necessary for piping plover habitat. Ms. Smith stated that she would get in touch with NHESP to ensure that the 10:1 slope on the beach and the 3:1 slope on the dune would be compliant with their conditions, and Mr. Agro stated that they could change to a full 10:1 slope if NHESP deemed it necessary. Mr. Ketchum asked how the 3:1 slope would transition in the area without the fencing, and Mr. Agro responded that the slope would be the same across the beach. Ms. Smith stated that the newest plan had not yet been reviewed by NHESP so the Commission should not focus all of their attention on that aspect of the plan. Mr. Riquinha requested comments on the walkway itself, explaining that they would like to do all revisions together. Mr. Pastuszak requested that they explain the plan for the stairs, and Mr. Riquinha responded that the current proposal was to remove the existing concrete stairs and install an elevated walkway, but that they would be more than happy to leave the stairs if the Commission wished as the removal would likely be very invasive. Ms. O’Leary stated that she did not feel comfortable approving the project without knowing what the slope would be, and Mr. Agro responded that the seaward limit of the stairs would not change based on the slope, but a few treads would buried. Ms. Smith recommended that the applicant get the newest plan to NHESP as soon as possible so they could get comments back, and then the Conservation Administrator could put together a draft Order of Conditions for the next meeting so that, if the Commission was amenable to the other aspects of the plan, the Order could be approved at the same meeting as the Notice of Intent. Mr. Ketchum asked for clarification at the next meeting on whether beach grass could be planted in the area where fencing was not proposed. Mr. Chase requested that they also include more information on the proposed plantings and where they may be located.

Mr. Chase moved to continue the hearing to December 4, 2019. Seconded by Mr. Pastuszak. Motion carried, 6-0.

**Carolyn Robinson & Marjorie Pinto-Leite, 2 Ocean Ave, 1 Zylpha Rd, 5 Atlantic St, Map 6B Parcels L21, H2-1, L154.** Replacement of bulkhead.

Mr. Agro was present as representative for this project, which was to install a vinyl sheet pile bulkhead directly in front of the existing steel sheet pile bulkhead. Mr. Agro explained that there was previously a dune in front of the bulkhead, but that he had gone to stake the site and that the dune and vegetation had been washed away during a recent winter storm. Ms. Smith recommended approval of the project, with comments that any nourishment done to the beach area should occur in the spring and that a beach access permit would be needed from the Town if they needed to do any work from the seaward side of the bulkhead.

Mr. Ketchum asked how the new pile would be attached to the side of the existing bulkhead that was buried in concrete, and Mr. Agro responded that the new sheet pile would be tied in to the piles driven in front of the existing steel sheet pile, and that there were no plans to remove the concrete or rocks on that side. Mr. Ketchum asked if machinery would be needed on the beach to place the piles, and Mr. Agro responded that the plan was to complete all work from the top of the bulkhead. Mr. Donovan asked whether a rock revetment had been considered here, and Mr. Agro responded that they would need to either put the toe of the revetment further seaward, or push the coastal bank further landward, so they would prefer to keep the bulkhead in its current location. Mr. Chase requested that the strip of lawn area closest to the bulkhead be planted with native shrubs after construction if it was disturbed. Mr. Donovan stated that he would like to see a condition prohibiting the use of fertilizers and chemicals on the lawn.

Mr. Donovan moved to approve the Notice of Intent with a condition requiring a 3ft strip of native plantings along the seaward side of the lawn area, and a condition prohibiting the use of fertilizers and chemicals on the lawn. Seconded by Mr. Coleman. Motion carried, 6-0.

**Jim Palermo, 27 Strandway, Map 1 Parcel J1-34.** Hardscaping and planting.

Adelson Aristhomene of A’s Landscaping was present as representative. Thadd Eldredge, East Southeast, was also present. Mr. Aristhomene stated that there was an existing patio and walkway, which was to be replaced by a larger patio and walkway, and they had proposed plantings along the existing edge of lawn area. Ms. Smith explained that the proposed area for the patio was existing lawn so in this case this could be approved even though it was in the 0-50ft buffer zone since it would be pervious, but that she would like to see clearer numbers on changes to square footage and planting areas. Ms. Smith stated that she would like to see at least one tree, and some diversity with native shrubs in the planting area. Ms. Smith asked if there was existing irrigation in the lawn, and Mr. Aristhomene stated that the irrigation went all the way to the top of the bank.

Mr. Ketchum asked whether the patio would be raised with a retaining wall, and Mr. Aristhomene responded that the patio would be flat on the ground, and that the wall shown on the plan was actually a low stone seating bench around the proposed fire pit. Mr. Ketchum stated that he would like to see more mitigation because he did not count the existing area with stone pavers as hardscape, and Mr. Donovan and Ms. O’Leary agreed. Mr. Coleman asked what the wall would be made of, and Mr. Aristhomene responded that the wall would be stone and would just be a semicircle around the fire pit. Ms. Smith requested that they submit a revised plan that clarified where the wall would be. Mr. Coleman stated that he would like the installation to be conditioned in the Order of Conditions to ensure that the patio and walkway remain permeable over time. Mr. Pastuszak commented that he would like to see a condition prohibiting the use of fertilizers and chemicals on the lawn, and Ms. Smith responded that they had received an Order of Conditions in 2004, and had received permission at that time to use a slow-release fertilizer. Mr. Chase asked if the existing patio had been permitted, and Ms. Smith responded that the property transferred, and that the patio did exist prior to it transferring, but she could not tell whether the patio had been installed prior to the 2004 Order receiving a Certificate of Compliance. Mr. Crabtree asked that Ms. Smith do more research to see whether that patio had been approved previously. Mr. Chase stated that he could be supportive of the project with some clarification, since there could be a benefit for the resource area with the mitigation plantings, but that a written request for a variance was needed to approve the expansion of hardscape.

Mr. Aristhomene requested a continuance to the December 4, 2019 meeting. Mr. Chase moved to continue the hearing. Seconded by Mr. Coleman. Motion carried, 6-0.

**Orders of Conditions**

**Joseph Preston, 0 Sequattom Road, Map 101 Parcel W2-C.** Site improvements and repairs.

Mr. Donovan asked that a condition be added clarifying that Planting Area 1 be allowed to naturalize after the project is complete, and shall not become beach. Mr. Chase stated that he would like to see a revised plan before the Order of Conditions was approved.

**Requests for Certificates of Compliance**

**Roberta Dudeck, 53 North Rd, Map 19 Parcel M1.** Repair revetment.

Ms. Smith stated that the Conservation Administrator was waiting on more information, so this Certificate would be discussed at the December 18, 2019 meeting.

**Kathleen Kirrane, 17 Kildee Rd, Map 13 Parcel S2-36.** Septic, retaining wall, driveway.

Mr. Chase moved to issue the Certificate of Compliance for this project. Seconded by Mr. Coleman. Motion carried, 6-0.

**Minor Change in Plan**

**Steve Walsh, 9 Fiddler’s Landing, Map 6 Parcel A1-9.** Addition of stepping stones.

Ms. Smith explained that the owner would like to place slate stepping stones to their dock along the existing path. Ms. O’Leary asked what the size of the stepping stones would be, and Ms. Smith stated that she would find out and would have them draw up a sketch plan of where they would go, and would add this to the next meeting agenda.

**Minutes – vote shall be taken**

**April 17, 2019**

Mr. Chase asked if Ms. Smith knew whether the fines for 7 Great Woods Rd had been paid, and she responded that she would look into it. Ms. O’Leary corrected a typo.

Mr. Chase moved to approve the minutes. Seconded by Mr. Pastuszak. Motion carried, 6-0.

**October 16, 2019**

Ms. O’Leary and Mr. Ketchum corrected typos. Mr. Coleman asked if the RDA had been filed for Daisy Street, and Ms. Smith responded that it had been filed and would likely be on the December 18th Agenda. Mr. Chase asked that Ms. Smith add that the creation of a sub-committee for water management at the Bells Neck Bogs was discussed.

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

**Discussion**

**Dock and Pier Regulations**

Ms. Smith stated that hardly any towns on Cape Cod allowed dredging to meet their depth requirement, and only one town had a definition for significant versus non-significant densities for shellfish surveys. Mr. Chase requested that changes to these two items be drafted and discussed at a future meeting as a defined agenda item. Mr. Ketchum stated that more information would be helpful for the Commission to make decisions on projects, but also for homeowners to know what may or may not be permitted. Mr. Pastuszak mentioned that stronger language and definitions would also help with enforcement.

**Approval of the 2020 meeting schedule**

Mr. Donovan moved to approve the meeting schedule for 2020. Seconded by Mr. Pastuszak. Motion carried, 6-0.

**Adjournment**

**Motion to adjourn at 9:14PM by Mr. Chase and seconded by Mr. Pastuszak. Motion carried, 6-0.**

Respectfully submitted,
Melyssa Millett

Approved 12/21/2022