



TOWN OF

HARWICH

*732 Main Street*

*Harwich, MA 02645*

CONSERVATION COMMISSION

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**HARWICH CONSERVATION COMMISSION – MINUTES**

**WEDNESDAY, APRIL 17, 2019--6:30 P.M.**

**SMALL HEARING ROOM, HARWICH TOWN HALL**

**Present:** Brad Chase, James Donovan, Mark Coleman, John Ketchum, Stanley Pastuszak, Paula McGuire, Carolyn O’Leary and Conservation Administrator Amy Usowski.

**Call to Order**

By Chairman Brad Chase.

**HEARINGS**

**Request for Determination of Applicability**

**James & Lauren Lipscomb, 47 Harbor Rd, Map 15 Parcel U36-1.** Deck expansion.

**Presenter:** Sean Riley

The applicant would like to expand the 2<sup>nd</sup> story deck within the footprint of the driveway. There will be new sonotubes. Due to topography the top of coastal bank is far inland from the actual wetland. Usowski recommends approval. **Motion to find a negative 2 determination by Carolyn O’Leary and seconded by Paula McGuire. Motion approved unanimously.**

**William Crowell, 14 Edward Rd, Map 81 Parcel A6.** Deck expansion.

**Presenter:** William Crowell

Mark Coleman and James Donovan are abstaining.

The applicant would like an eight foot deck expansion. Mitigation plantings will include five species of native shrubs. The proposed deck would be 56’ from the resource area and the expansion will be in existing lawn. Usowski would like the plantings to be along the top of the slope instead of clumped together in one area. It would also be a good idea to add some plants at the base of the slope to stop erosion. The Commission noted that the dock needs to be stored further away from the resource area. **Motion to find a negative 3 determination by Stanley Pastuszak and seconded by Carolyn O’Leary. Motion approved 5-0-2 with Donovan and Coleman abstaining.**

## Notices of Intent

**Alison Ferrandi & Rachel Smith, 47 North Rd, Map 19 Parcel S2.** Upgrade septic system.

**Presenter:** Stephanie Sequin

The applicant is proposing a tight tank in order to replace the existing cesspool. Silt fence will be put up and a dewatering protocol was included on the plan. Excavated material will not be stockpiled and will be immediately trucked off site. Usowski would like shrubs planted to replace the tree that will likely have to be removed. She recommends approval. **Motion to approve by James Donovan and seconded by Stan Pastuszek. Motion approved unanimously.**

**Great Woods LLC, 7 Great Woods Rd, Map 104 Parcel E8-1-2.** Removal of parking area, installation of walkway, beach modifications.

**Presenter:** Sean Riley, Caitrine Higgins, Seth Wilkinson, Mike Ford

The restoration plan was revised. Fiber roll protection is no longer being proposed; the edge of pond will be regraded with compatible bank sand and erosion control blanket and plantings will be installed. The shallow grade and dense vegetation should get rid of any erosion issues and they will check after storms to make sure it is not being undermined. The kayak rack will be relocated to the lawn. More mitigation was added to the 0'-25' buffer and will consist of grasses, shrubs and woody vegetation. The mitigation ratio for the 0'-50' buffer is 9.5:1 and the 50'-100' buffer is 8:1. NHESP issued a letter of no take. Usowski recommends approval with the condition that the landing and terrace is removed. O'Leary is in favor of a fine. Ketchum thinks the 60' no build zone should be considered and he would like vegetation on the pond front. Chase agrees with removal of the landing, but allowing the stairway to stay. He is concerned with the use of glyphosate. Higgins stated that there will be no foliar application and will be applied by certified applicators. Pastuszek stated he isn't sure the deck should be allowed to stay just because it has been there a long time; it was still unpermitted work. Riley stated that the homeowner was unaware the deck expansion was not permitted; when he purchased the house it was stated that permits were received for all work on the property. The only work the current homeowner has done on the deck is replacement of boards. They are willing to remove the landing. Chase would like a fine of \$1,200 for the platform, rock work, staircase and deck work. Ford asked that the Commission reconsider fines as the management company was responsible for the work. The homeowner immediately fired the company once he found out and took it upon himself to report the violation. He believes a fine would send a message that homeowners should not come forward with accidental violations. **Motion to approve the Notice of Intent with the addition of a \$1,200 fine and removal of the landing. The motion was made by John Ketchum and seconded by Stan Pastuszek. Motion approved 6-0-1 with Mark Coleman opposed.**

## Discussion and Possible Vote

**25 Trout Brook Road patio alterations**

**Presenter:** John Leong

When the retaining wall was repaired the contractor asked Leong if he would be interested and putting a patio where there were two pervious patios existing. The building department did not require a permit and it didn't occur to the owner until later that conservation approval would be needed. Usowski cannot recommend that it stay as is, but if the Commission is ok with it there should be a Notice of Intent filed. If the Commission decides they want it to go back to being pervious and Administrative Review could be filed. Ketchum doesn't think the retaining wall will last long and he feels Leong would have to come back no matter what to replace it. Usowski is ok with the footprint, but recommends making it pervious and investigating if the wall needs to be reinforced. The work was a total of 501 square feet and mitigation will be done. The Commissioners who were unable to do a site visit will go to the site and then this will be discussed at a future meeting.

### **522 Pleasant Lake Ave dock**

**Presenters:** Julie and Bob Marotta

The Marottas received a letter from the Conservation Department notifying them that the dock was not permitted. State approval was given in 1994, but not with the Town. A Notice of Intent will need to be filed. Dock storage may continue on top of the retaining wall.

### **Conservation Commission Cheat-Sheet**

Chase would like more information on how hearings are supposed to be closed. Usowski recommends that the Commission vote to approve a Notice of Intent contingent on the Order of Conditions and then continue the hearing to a date certain. At the next meeting they should vote to approve the OOC and to close the hearing. Pastuszek stated that they should be announcing that the meeting is being video recorded.

**Schedule date for tour of town agriculturally-leased lands:** Site visits will take place 5/1/2019

**Gate to Bell's Neck fish run:** Natural Resources is unable to take responsibility to open and close the gate each day. Usowski will see if the police can close it at night and try and find a way to get it open each morning.

### **Minutes**

**Motion to approve the April 3, 2019 meeting minutes by Brad Chase and seconded by Mark Coleman. Motion approved unanimously.**

### **Adjournment**

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

Minutes Transcribed by Nicole Smith, Assistant Conservation Agent.