



TOWN OF

HARWICH

*732 Main Street*

*Harwich, MA 02645*

CONSERVATION COMMISSION      PHONE (508)-430-7538      FAX (508)430-7531

**HARWICH CONSERVATION COMMISSION - MINUTES**

**THURSDAY APRIL 2, 2020**

**Present:** Brad Chase, Carolyn O'Leary, John Ketchum, Mark Coleman, James Donovan, Stan Pastuszak, Ernie Crabtree

**CALL TO ORDER** By Chairman Brad Chase.

**HEARINGS**

*All hearings shall be subject to discussion, taking of testimony, review of submitted and documents which may result in a vote being taken to approve or deny a project; or to issue a continuance to a time and date certain in order to receive and review further information as needed.*

**Requests for Determination of Applicability**

**Krista Plante, 12 Aaron's Way, Map 60 Parcel G7-5.** Proposed addition.

**Presenter:** Krista Plante.

The applicant would like approval for an addition on the existing dwelling 73' from the edge of bog and 2:1 mitigation plantings. Usowski stated that the addition is in a cleared area and with the mitigation plantings she recommends a negative 3 determination. Crabtree noted a deck on the dwelling that is not on the plan. Owner Jeremy Gingras stated the deck was built with the house and the project has a certificate of compliance. **Motion to find a negative 3 determination by Mark Coleman and seconded by John Ketchum. Motion approved unanimously.**

**Mary Jane Chase Trust, 1039 Rt 28, Map 35 Parcel S2.** Confirmation of resource area delineation.

Brad Chase recuses himself from this hearing.

**Presenter:** John O'Reilly

The plan was revised to better define the ditch/river and 200' riparian zone. The Commission had no comments. **Motion to approve the wetland delineation with a positive 2 and 5 determination by Carolyn O'Leary and seconded by Ernie Crabtree. Motion approved unanimously.**

**Jeffery & Karen Dunn, 49 Nons Rd, Map 5 Parcel W1-20.** Deck expansion.

**Presenter:** John O'Reilly

Several borings were done by a geologist and he found that the area was not a dune. Four cedars will be planted to replace the pine tree to be removed. The limit of work is 62' from the edge of resource. Usowski agreed that there is not dune on the property and she will work with the applicant on placement of vegetation. **Motion to find a negative 2 and negative 3 determination by Stan Pastuszak and seconded by Ernie Crabtree. Motion approved unanimously.**

**Moran Engineering, 113 Brooks Rd, Map 12 Parcel L4.** New septic system.

**Presenter:** Dan Croteau

The applicant needs to upgrade the septic system. Usowski stated this is an improvement over what is existing and she recommends a negative 2 and 3 determination. **Motion to approve with a negative 2 and negative 3 determination by Brad Chase and seconded by Stan Pastuszak. Motion approved unanimously.**

**Thomas Smith, 47 North Rd, Map 19 Parcel S2.** Repair of existing bulkhead.

**Presenter:** Thomas Smith

The sediment behind the wall appears to be leaching into the river and Smith would like to make the bulkhead more solid. Usowski stated the work is to be done by hand and filter fabric will be used and the area will be seeded. She would like a bullet point construction protocol and there needs to be a preconstruction meeting. **Motion to find a negative 2 determination by John Ketchum and seconded by Carolyn O'Leary. Motion approved unanimously.**

### Notices of Intent

**Thomas Smith, 52 North Rd, Map 19 Parcel S1.** Additions.

**Presenter:** Thomas Smith

The applicant would like to add two additions to the dwelling on sonotubes. Usowski recommends approval as the additions are minor and not any closer to the wetland than the existing dwelling. She will work with the applicant on species and number of plantings and mitigation must be done in the same growing season as construction. Donovan would like plantings to go in existing lawn area. Pastuszak noted that this work is in the 50' no disturb zone and goes against regulations. Chase agreed and did not see how the work was exempt. Usowski stated that the additions have no negative impact on the resource area and with the addition of plantings the project is an improvement over what is existing. **Motion to approve by Ernie Crabtree and seconded by Carolyn O'Leary. Motion approved by roll call vote 5-2 with Brad Chase and Stan Pastuszak against.**

**Christian Davenport, 0 (12) Old Campground Rd, Map 30 Parcel C11.** Construction of a duplex.

**Presenter:** John O'Reilly.

The plan was revised and the dwelling was moved closer to the road and is now 99' from the edge of resource. The limit of work will be 78' from the edge of resource. Usowski stated that the structure is almost entirely out of the buffer zone and no disturbance will occur in the 50' no disturb zone or the 60' no build zone. Disturbance was minimized as much as possible and she

recommends approval. Boulders will be placed on the property and no activity will take place beyond those. Donovan believes the planting plan could be increased and he would like a split rail fence added to mark the edge of activity. Davenport would prefer to not have a fence to have to maintain. O'Reilly is open to adding more plantings, but believes that once the plants have reached maturity the area will be well vegetated. He suggested that a condition be in place that may require more plantings if the area is not fully vegetated. Donovan is ok with the condition that an effective living fence be in place before a Certificate of Compliance is issued. **Motion to approve with discussed conditions by Stanley Pastuszek and seconded by Carolyn O'Leary. Motion approved unanimously.**

**Christian Davenport, 0 (2) Old Campground Rd, Map 30 Parcel C12.** Construction of a duplex. **Motion to continue by Brad Chase and seconded by Ernie Crabtree. Motion approved unanimously.**

**Vincent Helfrich, 33 Snow Inn Rd, Map 8 Parcel P3.** Emergency repair to existing bulkhead and **Wychmere Harbor Club, 23 Snow Inn Rd, Map 8 Parcel P2.** Emergency repairs to existing boat house & accessory structure.

**Presenter:** Don Munroe

An as-built plan was submitted that includes area calculations and three mitigation areas. The bulkhead was completed by March 11<sup>th</sup>. It was found that all 11 of the tiebacks had failed and they were replaced landward of the steel work. The float and dock will remain the same but the stairway may have to be reconfigured. The only change to what was proposed was the replacement of the tiebacks. Chase would like to use an opportunity like this to improve or restore existing shellfish habitat, not just do shellfish seeding and would like to include this at a 4:1 ratio in addition to seeding. Coleman likes that idea, but isn't sure how to proceed with the requirements for that and more specifics are needed. O'Leary agrees with restoration but believes the work needs to be done in the same resource area that the disturbance occurred. Ketchum suggested that half of the proposed mitigation funds to go habitat restoration. **Motion to approve 33 Snow Inn Rd with the condition that \$2,500 be provided for mitigation and that half of the money be used for seeding and half to be used for habitat mitigation. Motion by Brad Chase and seconded by Mark Coleman. Motion approved unanimously.**

**Motion to approve 23 Snow Inn Rd with the condition that \$2,500 be provided for mitigation and that half of the money be used for seeding and half to be used for habitat mitigation. Motion by Brad Chase and seconded by Mark Coleman. Motion approved unanimously.**

**Donald Annino, 14 Mill Point Rd, Map 1 Parcel J1-94.** Pier, ramp and float. **Motion to continue to April 15, 2020 by Brad Chase and seconded by John Ketchum. Motion approved unanimously.**

**G. Rockwood Clark, 220 Long Pond Dr, Map 102 Parcel K2.** Remove walkway, steps, retaining wall. Construct new walkway, landing, stairs and stone wall. Plant area of erosion.

**Presenters:** Dan Croteau, Rocky Clark

The access has become unsafe and needs to be repaired. The landscaping and steps have eroded and they would like to put stone under the footing to keep it from eroding. Part of the concrete wall will be removed where the stairs are and the timber wall will be removed. They want to at

least get the stairs replaced for the summer and work on the wall may be put on hold if NHESP will not approve it. Croteau is looking for Commission comments while waiting for NHESP response. Usowski prefers the stone approach over a bulkhead. NHESP has mentioned that they would like only native plantings. Clark stated that the planting plan was revised to be mostly native with a few other plants for aesthetics. Donovan would like all native plants; even if ornamental plants were there previously it should become native when disturbed. Lawn reduction should be considered for mitigation as well. **Motion to continue to April 15, 202 by Brad Chase and seconded by Stan Pastuszak. Motion approved unanimously.**

**Encore Construction, 31 Mill Rd, Map 15 Parcel U3.** Remove and replace existing dwelling and hardscape.

**Presenter:** Dan Croteau, Kathy DeMeyer

The existing dwelling was built in approximately 1949. The new dwelling will be reduced in size by 218 s.f. Usowski stated resource areas include salt marsh, BVW and flood zone/coastal bank. Proposed work is about 100' away from the actual wetland, but is in the buffer zone to a coastal bank due to flood zone and steepness. There is an improvement over existing conditions with seeding and reduction in site coverage. She recommends approval and the Commission had no comments. The usual lawn conditions shall be applied to any area on the property within conservation jurisdiction. **Motion to approve by John Ketchum and seconded by Carolyn O'Leary. Motion approved unanimously.**

**Steven Szafran, 177 Forest St, Map 31 Parcel C2.** Additions and renovations. Request for 3-year extension.

**Presenter:** Steve Szafran

Applicant is asking for an extension as work has not been completed and more approvals will still be needed for hardscape. The structural work is essentially done. Usowski stated work was occurring without approval and monthly logs have not been submitted so she is not going to recommend a full 3-year extension. Commissioners expressed frustration that unapproved work is being done but the approved work is not and getting the site into compliance has been very difficult. Pastuszak is not in favor of an extension. Coleman would like to see a final draft of the plan for everything occurring on the property. O'Leary stated that if there is evidence of compliance she would be willing to entertain an extension. Usowski stated an amendment to the OOC would be needed to approve any new plans. Considering all the difficulties this project has had Ketchum is not in favor of granting an extension and thinks a new filing should be submitted. Donovan and Chase would like a fine for recent unapproved work that was done. Chase would like to grant a 1 year extension to allow time for an amendment to be filed. Usowski mentioned that there is no guarantee the new plan will qualify as an amendment since she has not seen it yet. **Motion to grant a 1 year extension with submittal of monthly reports and to issue a \$300.00 fine by Brad Chase and seconded by Carolyn O'Leary. Motion approved 4-3, by roll call vote, with James Donovan, Stan Pastuszak and John Ketchum against.**

### **Discussion and Possible Vote**

8 Shady Drive Tree Removal without permit: Spoke with owners today and they would like to be heard on April 15<sup>th</sup>.

## **Minutes**

**Motion to approve the August 21, 2019 and March 18, 2020 minutes by Ernie Crabtree and seconded by Carolyn O’Leary. Motion approved unanimously.**

## **Other Business**

The erosion issues at the end of Red River Beach are worsening. Usowski is working on developing a plan with a softer approach than the revetment. Chase would like this added to the next agenda to come up with possible ideas.

**Motion to adjourn by Chase and seconded by Stan Pastuszak. Motion approved unanimously.**