



TOWN OF

HARWICH

732 Main Street

Harwich, MA 02645

CONSERVATION COMMISSION

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HARWICH CONSERVATION COMMISSION – MINUTES

WEDNESDAY, AUGUST 7, 2019--6:30 P.M.

DONN B. GRIFFIN ROOM, HARWICH TOWN HALL

Present: Chairman Brad Chase, Commissioners Paula McGuire, Carolyn O’Leary, John Ketchum, James Donovan, and Conservation Administrator Amy Usowski.

Call to Order

By Chairman Brad Chase.

Notices of Intent

Paul Vasil, 15 Doane Rd, Map 13 Parcel E3-1. Remove existing dwelling and construct new dwelling.

Dan Croteau of Moran Engineering and Paul Vasil, buyer of the property were present to represent the project. Dan Croteau explained the project for the Commissioners. Of note was that there was going to be decrease in hardscape in the 50-100’ buffer zone from what is existing now.

Amy Usowski stated that the new house would be outside of the flood zone, whereas the current house is in it. The new deck would be in the flood zone, but as it will not be connected to the house, the structure will not have to abide by FEMA flood zone standards. The fence is to be moved from about 10’ from the resource area to 60’. There was discussion on whether a fence was needed or wanted by the applicant. The Commission agreed that some sort of barrier, either a split rail fence, intermittent 2-man stones, or a living fence of native shrubs should be at the limit of work line to prevent activity in the No Disturb Zone. The area seaward of that barrier is to be left to naturalize. The exact specifications of what that barrier is to be made of is to be determined at the on-site pre-construction meeting between the owner, contractor, and Conservation Administrator. No irrigation is being proposed, and none is granted at this time. No chemical application shall occur in the resource area or 100’ buffer zone.

James Donovan moved and John Ketchum seconded approving the project. All in favor, motion carried.

Wychmere Harbor Real Estate LLC, 23 Snow Inn Rd, Map 8 Parcel P2. Seasonal deck, tiki bar, lockers and mitigation plantings.

Dave Michniewicz of Coastal Engineering and Bill Ganshirt with the Wychmere Beach Club were present to represent the project.

This is an after-the-fact filing for a seasonal deck, tiki bar, and lockers on a Coastal Beach. The square footage of unpermitted hardscape is 2,020 sq ft. At their show-cause hearing a few meetings ago, the Commission instructed them to file a Notice of Intent with them with proposed mitigation to offset any adverse impact the structure might be having on the Coastal Beach, and to improve habitat.

The proposal they presented was for planting a total of 8,350 sq ft of beach grass in two areas: the majority of it to the east along the jetty, and about a quarter of it to the west to add on to the dune system there. They also requested to extend the existing sand drift fence at the eastern and western property lines approximately 50' towards the water. They stated these help catch sand and create the dunes.

Amy Usowski stated that she didn't see the sand drift fence extension as necessary to build the dune – snow fencing and symbolic fencing to keep people off would help possibly and be less invasive. She also did not see how the long strip of planting to the east would have much benefit to habitat. If the plantings were consolidated more on the southeast portion, near where the terns are currently staging, habitat might be improved as well as provide more protection from storm damage or flooding. The commissioners were in agreement that planting up near the town houses would be little benefit to the interests of a coastal beach, and that more of the planting should be focused to the south.

John Ketchum asked if there was a benefit to having 2 planting areas versus 1 larger one in terms of habitat.

Jim Donovan said that while they are providing the required minimum of 4:1 mitigation for the unlawful structures in the resource, that he was hoping to see much more mitigation as it was an egregious violation, and there is ample room for restoration here.

The commissioner's echoed this sentiment, being that this was a violation, that they would like to see additional mitigation if they were to consider approval.

The applicant will meet with the owners of the property and Amy Usowski prior to coming back to the Commission. The applicant asked for a continuation until September 4.

Chairman Brad Chase moved and John Ketchum seconded to continue this hearing until September 4, 2019. All in favor, motion carried.

Jamie Kline, 61 Bells Neck Road, Map 18 Parcel K6. New dwelling and appurtenances.

The applicant has requested a continuance until August 21, 2019. Chairman Brad Chase moved and John Ketchum seconded granting the continuance. All in favor, motion carried.

Alfred & Carol Novak, 30 Harbor Rd, Map 15 Parcel U15-A. Pier, ramp, float and dredging.

The applicant requested a continuance until September 4, 2019. Chairman Brad Chase moved and Jim Donovan seconded granting the continuance. All in favor, motion carried.

Dan & Jan Speakman, 4 Shady Dr, Map 73 Plot X-180. New dwelling and appurtenances.

Information was emailed to the Conservation Administrator at last minute by the applicant's consultant, and no paper copies submitted. Amy Usowski recommended on the Commission's behalf that the applicant request a continuance so that the commission could have adequate time to review the document. The applicant has requested a continuance until August 21, 2019.

Chairman Brad Chase moved the Jim Donovan seconded to continue the hearing until August 21, 2019. All in favor, motion carried.

William and Caroline Counselman, 5 Fiddler's Landing, Map 6 Parcel A1-8. Installation of a rock revetment.

Charlie Agro from Coastal Engineering was present representing the applicants. He described the project. They continued the last time to work on the planting plan. He said some Rose Carolina and/or Virginia were added. He said they would replant any marsh elder at the toe of slope above the marsh if any was compromised. They will try to save what is there and replant it, but if that doesn't work they will plant new marsh elder shrubs.

Amy Usowski stated that the plan shows the revetment disappearing into the grade parallel to where the marsh starts. This was critical in ensuring that there would be little to no impact on salt marsh to the north due to the new hard structure. She also stated that every effort should be made to save the 2 beach plum that are at the approximate location where the wall is to go into the grade. She also recommended that some low shrubs such as sweet fern be planted on the slope along with the native grass/flower mix proposed. They will help naturalize the slope and also provide for a better buffer against mowing.

Brad Chase would like to see a few additional beach plums instead of roses on the south side. They are better habitat. Other commissioners agreed.

John Ketchum noted that fertilization will no longer be permitted on the resource area or 100' buffer. Mr. Agro stated that he informed his clients of this. Amy Usowski stated that in the future, overseeding of the lawn should be with a native, drought-tolerant grass seed mix to help the lawn convert.

Mr. Agro said the owners wanted him to note that in the future, if this solution does not work to curb erosion, they would like the opportunity to file for a revetment that runs the full extent of the property as was initially proposed.

Amy Usowski recommended installing a benchmark (perhaps a drill hole) in the revetment to help monitor erosion/beach height.

Carolyn O'Leary moved and John Ketchum seconded approving the project with the above-mentioned conditions. All in favor, motion carried.

Request for Change in Plans

Mark Russo, 5 Salt River Ln, Map 4 Parcel A1-B3. Proposed steps, retaining wall and privacy wall.

Amy Usowski described the proposed changes, which were minor. Brad Chase moved the Carolyn O'Leary seconded approval of the change in plan. All in favor, motion carried.

Extension Request

David & Kimberly Sterling, 2267 Head of the Bay Rd, Map 119 Parcel N6.

This project was for the tear-down and re-build of a house within the buffer zone to the Top of Coastal Bank on Pleasant Bay and within the 100' buffer to an isolated freshwater wetland (vernal pool). The house is done and the plantings are 95% done. The first round of planting did not have great survivability, so they would like a 2 year extension to ensure the new plantings do well. Monitoring reports would still need to be submitted.

Brad Chase moved and Jim Donovan seconded to grant a 2-year extension to the project. All in favor, motion carried.

Orders of Conditions

Thomas and Claire McCabe, 25 Grey Neck Ln, Map 11 Parcel X8-6. Construction of three additions.

Jim Donovan moved and Carolyn O'Leary seconded to approve the Orders of Conditions for this project. All in favor, motion carried.

27 Soundview LLC, 27 Soundview Road, Map 26 Parcel L1-9. Construction of a single family dwelling, including grading, driveway construction, and installation of a septic system and underground utilities.

John Ketchum moved and Jim Donovan seconded to approve the Orders of Conditions. All in favor, motion carried.

Certificates of Compliance

Arthur & Judy Winterhalter, 20 Rogers Rd, Map 78 Parcel C53-A.

Kirsten Meyer, 2 Glen Rock Rd, Map 4 Parcel M6 1 & 2.

David Handren, 10 Island Pond Rd, Map 40 Parcel H1.

Skinequit Realty Trust, 0 Deep Hole Rd, Map 17 Parcel A1-65.

David Flaherty, 3 Witchwood Ln, Map 60 Parcel T9.

Chairman Brad Chase moved and Carolyn O’Leary seconded approval of all of the Certificate of Compliance requests. All in favor, motion carried.

Discussion

Oyster Reef in Herring River: permitting and funding

Chairman Brad Chase said he and Nicki had looked into the in-lieu fee program with Mass DMF, and wasn’t sure it was applicable. Amy and Nicki will continue to look into it for now. Brad asked if maybe the shellfish mitigation fund the commission had could be used to create the oyster reef. He estimates a first deployment costing about \$6K. Amy Usowski also mentioned that using the Wetlands account would be an option, as it would enhance a wetland (land under the ocean).

Amy and Nicki will work on the Notice of Intent right away, so that the commission can review the project, and so that it can be sent off to all the other applicable permitting agencies.

Minutes vote shall be taken

Minutes shall be subject to review, discussion, editing for suggested changes and/or deletions, and a vote shall be taken for acceptance and approval.

December 5, 2018; December 19, 2018; July 17, 2019

Brad Chase moved and Carolyn O’Leary seconded approval of all three sets of minutes with minor changes. All in favor, motion carried.

ANY OTHER BUSINESS WHICH MAY COME BEFORE THE COMMISSION

Amy Usowski stated that she will be putting a discussion item on the next agenda regarding in-lieu fees as mitigation.

Minutes taken and transcribed by Amy Usowski, Conservation Administrator

Meeting Attendance:

Dan Croteau	Charlie Agro
Paul Vasil	Beth Pedicini
David Michniewicz	Paul Ayoub
Bill Ganshirt	

