



TOWN OF

HARWICH



732 Main Street

Harwich, MA 02645

CONSERVATION COMMISSION
(508)430-7531

(508)-430-7538 FAX

HARWICH CONSERVATION COMMISSION – MINUTES

WEDNESDAY, DECEMBER 5, 2018

6:30 P.M.

DONN B. GRIFFIN ROOM, HARWICH TOWN HALL

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

Call to Order

By Chairman Brad Chase.

HEARINGS

Request for Determination of Applicability

Richard Waystack, 3 Mockingbird Lane, Map 73 Parcel B233. Fence.

No Presenter.

The fence has been moved outside of the 50’ buffer zone as asked by the Commission. **Motion to find a Negative 3 Determination by Stan Pastuszak and seconded by James Donovan. Motion approved unanimously.**

Jason Tribush, 64 Deep Hole Road, Map 16 Parcel M5. Addition, new deck and minor grading. Motion to continue to December 19, 2019 by Brad Chase and seconded by Stan Pastuszak. Motion approved unanimously.

David Crosbie, 481 Depot Rd, Map 36 Parcel B1. Determine resource boundaries and if work is in jurisdiction.

Presenters: Paul Shea, David Crosbie

The property abuts an inactive cranberry bog. Paul Shea has done test holes in the area before and considers it an upland bog that was only able to be used for cranberries because water was

physically pumped to the area. He stated there are no wetland indicators and he would like the Commission to determine it is not a wetland and that the abutting property is not in jurisdiction. Usowski stated that no wetland data sheets or information on the location of the test holes has been submitted and those need to be reviewed before a determination can be made. Owner of the bog property, Alan Hall, spoke regarding the history of farming on the property. Usowski stated that the determination, if approved, would say that there are no wetlands within 100' of the property line of 481 Depot Rd and is not a determination that the whole bog is not a wetland. The Commission would like to continue the hearing in order for the applicant to show proof and provide wetland data sheets. **Motion to continue January 2, 2019 by Brad Chase and seconded by Carolyn O'Leary. Motion approved unanimously.**

Thomas & Carol Thibert, 184 John Joseph Rd, Map 72 Parcel G2-2. Upgrade septic.

Presenter: Lynne Hamlyn

This is for a voluntary septic upgrade adjacent to John Joseph Pond. The setback has to be in this location to meet setbacks to a pond. There is currently a cesspool. Usowski stated it is as far away from the wetland as it could possibly be. Flow will not be increased. She recommends approval with a negative 3 determination. **Motion to find a Negative 3 Determination by Carolyn O'Leary and seconded by Stan Pastuszek. Motion approved unanimously.**

Notices of Intent

Town of Harwich, Hinckley's Pond, Map 91 Parcel K4. The treatment of Hinckley's Pond with aluminum sulfate/sodium aluminate to bind phosphorus (continued hearing).

Presenter: Heinz Proft

NHESP has not given an official letter at this point. Proft is working on answering the additional questions that they have, so no vote can be taken tonight. Pond application will not take place until late spring or fall. Water quality sampling will continue and benthic samples will also be taken. The Commission would like a specific monitoring protocol. Usowski is curious about why Hinckley's is higher dosage than Long Pond. The number is based on the water quality data and it shows more was needed in order to bind to the amount of phosphorous present. The Commission is concerned with phosphorous continuing to enter the pond. There are changes to the Tech School property that will keep runoff from draining into the system and there are possible changes in the roads that will be made as they need to be repaired. **Motion to continue to December 19, 2019 by Brad Chase and seconded by Mark Coleman. Motion approved unanimously.**

Ken & Brenda Weeks, 116 South St, Map 21 Parcel G1-7. Storage of 800 lobster traps from November 1st until May 31st annually.

Presenter: Ken Weeks.

Brad Chase and John Ketchum abstained.

The area that Weeks stored the traps in the past is no longer available and it is difficult to find somewhere to store them for five months. Usowski stated that while it is a temporary seasonal disturbance, it is unprecedented to allow this type of activity in the wetland. It is also hard to know how the area would look if the traps had not been there, so it is difficult to evaluate impact. She cannot recommend approval, but is willing to work with the applicant to find alternatives. O'Leary

said he can apply for a variance based on hardship, but he needs to prove the hardship. It was suggested that he talk with the various harbors in the area for trap storage. The Commission noted that the driveway was not permitted and Weeks stated that there was no fill brought in and he just covered the area with shell. The shed was permitted. The Commission would like to continue so that Weeks can seek an alternate places to store the traps or to provide proof of the hardship. **Motion to continue to December 19, 2019 by Carolyn O'Leary and seconded by James Donovan. Motion approved 4-0-2 with Brad Chase and John Ketchum abstaining.**

Mark Moleski & Karen Maynard, 119 Julien Rd, Map 16 Parcel W4-4. Tear down and rebuild dwelling.

Presenters: Theresa Sprague and David Clark

The new house will be elevated on piers in order to be out of the flood zone. There will be breakaway, hinged panels. Approximately 36-42 helical piles will be used. The actual dwelling will be reduced, but the driveway size is increasing. There will be no alterations to the dune or salt marsh and now the dune will be able to migrate. The dwelling location cannot be changed because of the septic. The Commission would like more clarity on site coverage numbers. They will be restoring 2,600 sq. ft. by removing invasive species and planting natives. The paths and the shuffleboard court will be removed. Usowski agrees with the planting plan. Chase would like beach grass to be planted under the house and to replace the cedar being removed. The applicants will see if it is a possibility to move the breakaway panels to the footprint of the house so that the area under the deck is open. **Motion to continue to January 16, 2019 by Brad Chase and seconded by Carolyn O'Leary. Motion approved unanimously.**

Jeffrey King, 30 Lothrop Ave, Map 11 Parcel M6. The construction of a wooden deck at the back of the house and minor alterations to eliminate water from entering the basement entry (continued hearing). Applicant had a requested to continue. Amy has suggested an indefinite continuance and they have agreed. **Motion to continue indefinitely by James Dononvan and seconded by Mark Coleman. Motion approved unanimously.**

Rick Vayo, 85 Sequattom Road, Map 101 Parcel W3-2. Bulkhead and boathouse reconstruction, dock construction, access path, stair relocation, tree cutting and site restoration (continued hearing). The applicant would like a continuance until December 19, 2018. **Motion to continue to December 19, 2018 by Carolyn O'Leary and seconded by Mark Coleman. Motion approved unanimously.**

Orders of Conditions

Salvatore & Kathleen Lupoli, 11 Shore Rd, Map 2 Parcel B1-14. Changes to hardscaping and landscaping. **Motion to approve the Order of Conditions by Carolyn O'Leary and seconded by Mark Coleman. Motion approved unanimously.**

Chase Street Properties, 20 Chase Street, Map 4 Parcel N2-2. Proposed removal of dwelling, outbuilding and garage; construction of a new dwelling and guest house, replacement of timber

steps and mitigation. **Motion to approve the Order of Conditions by Carolyn O'Leary and seconded by James Donovan. Motion approved 5-0-1 with Stan Pastuszak abstaining.**

Charles & Maria Dickson, 51 Saquatucket Bluffs Rd, Map 8 Parcel 5. Demolition of existing dwelling and construction of a new dwelling. **Motion to approve the Order of Conditions by James Donovan and seconded by Stan Pastuszak. Motion approved unanimously.**

Jeff Lang, 99 Riverside Dr, Map 4 Parcel A3-A1. Addition and driveway reconfiguration. **Motion to approve the Order of Conditions by John Ketchum and seconded by Carolyn O'Leary. Motion approved unanimously.**

Certificates of Compliance

Jane Sugden, 0 Strandway, Map 1 Parcel J1. Replace pier and bulkhead. The Commission took no action in order to receive an as-built.

Dennis Murphy, 293 Long Pond, Map 103 Parcel S2-2. Tree removal due to solar panel installation. The work was done in compliance. He has been asked to remove the ladders and equipment from the buffer zone. **Motion to approve the Certificate of Compliance by Brad Chase and seconded by James Donovan. Motion approved unanimously.**

Minutes

Motion to approve the July 5, 2018 meeting minutes, with changes, by Carolyn O'Leary and seconded by Brad Chase. Motion approved unanimously.

Discussion and Possible Vote

Management of Conservation Properties:

There has been interest in using the field next to the Community Garden to allow someone to farm or let animals graze. The vacant plots at the Garden also need to be managed for invasive plants and weeds.

A decision needs to be made on whether or not the Bells Neck bogs are to be farmed or naturalized. Chase would like all bog properties to be put on an agenda to discuss their management.

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

Minutes Transcribed by Nicole Smith, Assistant Conservation Agent.