



TOWN OF

HARWICH

732 Main Street

Harwich, MA 02645

CONSERVATION COMMISSION

(508)-430-7538 FAX (508)430-7531

HARWICH CONSERVATION COMMISSION – MINUTES

WEDNESDAY, FEBRUARY 20, 2019--6:30 P.M.

SMALL HEARING ROOM, HARWICH TOWN HALL

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

Call to Order

By Stanley Pastuszak.

Discussion and Signing of Document

Cornelius Pond Conservation Restriction-Town voted to approve acquisition of property and now the Commission needs to vote to formally accept the Conservation Restriction. **Motion for the Conservation Commission to hold a Conservation Restriction on the Cornelius Pond property by James Donovan and seconded by Mark Coleman. Motion approved unanimously.**

HEARINGS

Change in Plans

Jean Paul and Derith Marjollet, 484 Pleasant Lake Ave, Map 100 Parcel K4-1.

Presenters: Jean Paul and Derith Marjollet.

The Marjollets would like to be able to store their dock on the beach instead of moving it up to the house. The regulations do not allow for this and the Commission needs to be consistent. Mr. Marjollet suggested moving the kayaks to the house and using the kayak rack for storage of the dock. Usowski stated that the racks are on a previously approved plan and she has no issue with the dock being stored there. The rack may be moved to a more open area if desired. **Motion to approve the request for change in plan to allow floats to be stored on existing kayak rack and to move the rack if deemed necessary by James Donovan and seconded by John Ketchum. Motion approved unanimously.**

Request for Determination of Applicability

Robert Adamo, 12 Old Wharf Road, Map 16 Parcel L3-1. New dwelling in buffer zone to Land Subject to Coastal Storm Flowage.

Presenters: David Lyttle, Bob Adamo

A portion of the property is mapped as Zone AE; the nearest wetland is approximately 180' away. There are no State performance standards for buffer to LSCSF. There is no work proposed in the actual flood zone. Usowski stated that the wording in the regulations does not differentiate between buffer to wetlands and buffer to flood zone. Harwich is unique in this and she recommends approval. **Motion to find a Negative 3 determination by Mark Coleman and seconded by John Ketchum. Motion approved unanimously.**

Jason Tribush, 64 Deep Hole Road, Map 16 Parcel M5. Addition, new deck and minor grading. **Motion to indefinitely continue by James Donovan and seconded by Mark Coleman. Motion approved unanimously.**

Notices of Intent

Charles Blackmore & Martha Smith-Blackmore, 78 Bells Neck Rd, Map 18 Parcel K1-0. Demolish and rebuild dwelling, septic.

Presenters: Nate Cospier

The hearing was discussed at the February 6, 2019 meeting, but were waiting to receive the DEP number. **Motion to approve by Carolyn O'Leary and seconded by Paula McGuire. Motion approved unanimously.** Usowski sent out a draft OOC in case the Commission wanted to approve that at this time as well. The applicant stated they would like to continue mowing what has been done in the past, but do not want to increase mowing. Donovan would like a 15' no disturb zone, but is fine with mowing elsewhere continuing as long as it is not increased. **Motion to approve the Order of Conditions, as amended, by Carolyn O'Leary and seconded by John Ketchum. Motion approved unanimously.**

Susan Hollis, 9 Stanley Rd, Map 81 Parcel A-11. Vegetation removal and planting.

Presenters: Peter and Susan Hollis

There are dead and dying shrubs on the property and they want to remove them as well as the sucker sprouts from trees that fell previously. They will leave the existing stumps and plant native shrubs to replace the ones removed. They would like to continue with minimal vista pruning. There are two hazards trees that are allowed to be removed but should be replaced with trees. The root system of the shrubs will remain and the new plantings will be planted around that. Usowski recommends approval. **Motion to approve by Mark Coleman and seconded by Carolyn O'Leary. Motion approved unanimously.**

Town of Harwich, Red River Beach, Map 17 Parcel Z1-B. Extend existing revetment.

Presenter: Christopher Clark

The area behind the revetment is being washed out and it is undermining the area and parking lot. Sand nourishment has not been successful and has created adverse conditions by closing in the river and prohibiting moorings from being placed there. The Town would like to extend the revetment to prevent further erosion. CPC has voted favorably to allocate money to this project.

Usowski stat that soft solutions were tried and they did not work, however, hard structures are only supposed to be used to protect a pre-1978 dwelling. The Commission approved this in 2012, but DEP overturned the decision. Since then DEP has approved two similar projects, so the Town is trying again. This will also need a Chapter 91 license. The machine will operate from the top down. Donovan feels it would be an exception for a Town project if it was approved. He is in favor of retreat and foster dune formation and naturalization. Ketchum is in favor because it is protection of a public area, not a private beach only to be used by the owner. O'Leary is in favor of protecting this parking area because it is the only beach with easy handicap access. **Motion to approve by John Ketchum and seconded by Carolyn O'Leary. Motion approved 5-1 with James Donovan opposing.**

Certificate of Compliance

Michael Weinberg, 18 Sound View Road, Map 26 Parcel L1-6. Pool and plantings.

Presenter: Robin Wilcox

Plantings have been installed and have had two growing seasons. Erosion issues have been taken care of. **Motion to approve by James Donovan and seconded by Paula McGuire. Motion approved unanimously.**

Brendan Glynn, 20 Brooks Road, Map 5 Parcel K1-A5. Raise building, addition, driveway

Presenter: Robin Wilcox

The as-built did not include the driveway, decks and patio. The patio never received approval. An accurate plan should be submitted showing all structures. The Commission will not take any action on the request at this time.

Thomas and Ellen Byrne, 386 Long Pond Drive, Map 104 Parcel N4. Dock.

Storage of the dock was occurring in the buffer zone, but it has been removed. **Motion to approve by Stanley Pastuszak and seconded by James Donovan. Motion approved unanimously.**

Kevin Blute, 62 Clearwater Drive, Map 72 Parcel W86. Dwelling and plantings. **Motion to approve by Stanley Pastuszak and seconded by Mark Coleman. Motion approved unanimously.**

Extension Requests

Betsy Bray, 46 Indian Trail, Map 34 Parcel K3-2. New Dwelling. The lot is being sold and the owner was advised it is best to have open permits to prove a dwelling can be built. Plan meets current standards. Usowski recommends approval. Donovan stated it has already been extended and transferred owners and would like a new filing done when the new owner wants to build. O'Leary stated the new owner would likely come before them with a change in plan and any items that need to be changed to meet current standards can be dealt with then. **Motion to deny by James Donovan and seconded by John Ketchum. Motion approved 4-2 with Mark Coleman and Carolyn O'Leary against.** An extension will not be issued.

Karen Agnew and John Huth, 3 Hulse Point Road, Map 6 Parcel A2-4. Additions and vegetation management. They are asking for a 2 year extension to allow plantings to establish.

Motion to approve by James Donovan and seconded by Carolyn O'Leary. Motion approved unanimously.

Orders of Conditions

Robert Cafarelli, Town of Harwich Engineering Department, Terminus of Nickerson Road, adjacent to 35 Sugar Hill Drive, Map 88 Parcel R39 and Terminus of Harden Lane adjacent to 14 Harden Ln, Map 76 Parcel A3. Installation of new sewer mains and pumping stations within town-owned streets and associated rights-of-way to remove nitrogen from the Pleasant Bay Watershed. **Motion to approve by James Donovan and seconded by Stanley Pastuszek. Motion approved unanimously.**

Town of Harwich, Hinckley's Pond, Map 91 Parcel K4. The treatment of Hinckley's Pond with aluminum sulfate/sodium aluminate to bind phosphorus. **Motion to approve by Stanley Pastuszek and seconded by John Ketchum. Motion approved unanimously.**

The Commission would like a discussion item regarding establishment of a pond coalition group and to move forward with a town wide fertilization policy.

Ken & Brenda Weeks, 116 South St, Map 21 Parcel G1-7. Storage of 800 lobster traps from November 1st until May 31st annually. **Motion to approve by Stanley Pastuszek and seconded by James Donovan. Motion approved unanimously.**

Andrew Wang, 4 Quason Ln, Map 7 Parcel A49. Demolish and rebuild dwelling, pool, septic. **Motion to approve by Stanley Pastuszek and seconded by James Donovan. Motion approved unanimously.**

Minutes

Motion to approve the October 13, 2018 minutes by Stanley Pastuszek and seconded by Mark Coleman. Motion approved unanimously.

Update on Violations

3 Skinequit Road-Received a \$1,200 fine. They have retained a company and are working on submitting a filing.

61 Lovers Lane-Received a \$600 fine. They have retained a company and are working on a revegetation plan.

50 Uncle Venies-Received fine of \$300 and ordered to remove fence. If they want a fence they will have to apply for approval.

108 Clearwater-Removed trees and vegetation and were issued \$300 fine today. They will have to file an after-the-fact NOI.

Unanticipated Business

The homeowner of 47 Harbor Rd would like to know if it is worth filing to expand the deck. Due to topography the property has an unexpected coastal bank. It is over 200 feet from the nearest

water body and only has upland vegetation. The deck enlargement would technically be in the no disturb zone. The Commission would like to do a site visit and then have a discussion.

Adjournment

Motion to adjourn by Stanley Pastuszak and seconded by Mark Coleman. Motion approved unanimously.

Minutes Transcribed by Nicole Smith, Assistant Conservation Agent.