



TOWN OF

HARWICH

732 Main Street

Harwich, MA 02645

CONSERVATION COMMISSION

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

HARWICH CONSERVATION COMMISSION – MINUTES

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

DONN B. GRIFFIN 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

Theodore Scannell, 4 Lonesomes Way, Map 39 Parcel V1-A. Construct garage on slab.

Presenters: Dan Croteau, Ted Scannell, Pat Ellis

Proposed construction of a garage in the buffer zone. Location of garage is restricted due to an electric easement and required road setbacks. The closest point of the garage is approximately 80’ from the edge of wetland. There will be mitigation of 494 s.f. Usowski noted that only blueberries are proposed and more variety should be added, but she recommends approval. The applicant agreed to no use of fertilizers. **Motion to approve the garage and existing fire-pit by Carolyn O’Leary and seconded by Mark Coleman. Motion approved unanimously.**

Notices of Intent

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.

Presenter: Mike Juidice

Two pumping stations in conservation jurisdiction. They were discussed at the previous meeting, but there was an advertising error and voting could not occur. **Motion to approve by Stanley Pastuszak and seconded by John Ketchum. Approved 5-0-2.**

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

Presenter: Heinz Proft.

NHESP sent a letter with conditions on the work. They are restricting application to the months of June through September. Proft stated that mid-September is when he plans on doing the application. A report must be submitted within 60 days of treatment. Ketchum stated his reservations for putting a chemical in the water and he isn't satisfied with the known effects of treatment in the long term. The application will be in the deeper area of the pond which has no oxygen and little life. Coleman does not feel there is enough evidence as to how long the treatment lasts, but Proft says he is comfortable with saying 20 years. Donovan would like Proft to be involved in a town wide fertilization management plan for Town properties. Proft stated he would support a source pollutant sub-committee. The Commission expressed concern for adverse impacts. Proft said the post application water quality monitoring will alert him if any impacts are happening and then mitigation can be discussed based on the impact. Chase would like monitoring to occur 24 hours, 7 days, 14 days and then monthly after application. No monitoring would need to be done December through March, but then monitoring would occur monthly. Ketchum would like biological surveys done as well.

Public Comment: Stan Selkow-A study in Vermont showed that there was a sharp decline in biota immediately after application, but then an overall increase from what there was before.

Motion to approve, with conditions of chemical and biological monitoring, by Carolyn O'Leary and seconded by Stanley Pastuszak. Motion approved 6-0-1 with Paula McGuire abstaining.

Robert Adamo, 12 Old Wharf Road, Map 16 Parcel L3-1. New dwelling in buffer zone to Land Subject to Coastal Storm Flowage. **Motion to continue to February 20, 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.

Brad Chase recused himself from the meeting. John Ketchum and Paula McGuire will be abstaining.

Presenters: Paul Shea, Brenda Weeks

The applicant would like to store lobster traps in an area of 2,000-3,000 s.f. in the buffer zone and BVW. Other storage locations were contacted but nothing worked out. Usowski said she believes there is a way to store them on site, but they need to be out of the wetland and as far out of the 50' buffer as possible. She believes having them in the BVW through may would impact growing season. O'Leary and Donovan are ok with storage on the property, but not in the BVW. Coleman supports storage on the property as long as every effort is made to keep them as far out of the 50' buffer as possible. Donovan questioned if the driveway was permitted, but no further discussion was had. **Motion to approve the storage of traps outside of the 50' no disturb zone by James Donovan and seconded by Mark Coleman. Donovan withdrew his motion to revise. Motion to**

approve storage of traps 40' or greater from the edge of wetland by James Donovan and seconded by Mark Coleman. Motion did not carry 2-2-2 with Donovan and Pastuszak against and McGuire and Ketchum abstaining. Donovan could be in favor of this motion if a row of plantings delineating the edge of wetland to keep encroachment from occurring. **Motion to allow storage of traps outside of the 50' buffer by James Donovan and seconded by Carolyn O'Leary.** O'Leary would like them to be stored as far outside of the 50' as possible; if it will not work and they need to be closer than 50' they can come back to the Commission to discuss and ask for a variance. **Motion approved 3-1-2 with Paula McGuire and John Ketchum abstaining.**

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

Presenters: Dan Croteau, Nathaniel Cosper, Charles & Martha Blackmore.

The applicant would like to rebuild the existing one bedroom dwelling onto an open foundation. They will abandon the cesspool and install a tight tank. Usowski stated that what is proposed is an environmental improvement on what is existing and she recommends approval. The building will meet flood zone standards and the lot will be left as natural as possible. Donovan would like the condition that, other than invasive removal and native plantings, the 25' buffer shall remain in its native state. One tree will be removed and another one planted. Selective pruning is allowed for construction access. Chase appreciates the reduction in size of the dwelling. **Motion to continue to February 20, 2019 to wait for issuance of DEP number by Brad Chase and seconded by James Donovan. Motion approved unanimously.**

Andrew Wang, 4 Quason Ln, Map 7 Parcel A49. Demolish and rebuild dwelling, pool, septic.

Presenters: Dan Croteau, Swavi Osev, Shannon Goheen

The applicant is proposing to rebuild the dwelling, hardscaping and a pool. The Rosa rigosa will be removed and native plantings installed. A section of the Rosa rigosa will remain because of its ability to hold the bank. A patio will be removed. There is a small reduction in square footage in the 0'-50' buffer zone, but a large increase in the 50'-100' buffer. The proposed house has a very similar footprint to the existing, but the pool replaces grass and patio. Square footage of mitigation required is 2,318 and 2,800 is being provided. Usowski stated that this is a difficult site for plant survival, but she approves of the choices. Not all are native to MA, but they are native to New England and will not be invasive. Overall, the site will be improved. They will cease current lawn practices and Donovan wants native grasses and no fertilization. The plantings will need temporary irrigation. Coleman, McGuire and Ketchum stated they are satisfied with the plan. Chase would be satisfied if there was nothing in the 0'-50' buffer. The architect mentioned that the town property has a fence right up to the coastal bank and that some fence on the property is being removed. **Motion to approve by James Donovan and seconded by Stanley Pastuszak. Motion approved unanimously.**

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

Presenters: Mark Burgess, Alfred Novak, Pam Neuberg

The previous presentation of this project had a split vote and it was withdrawn to develop a new plan. The stairs have been relocated to line up with pier, the dock was rotated to stay away from

the marsh and there will be no pilings in the marsh. Waterways has approved this plan and it is unlikely they will accept a plan with the dock going farther out into the water. They have expressed no concern with the dock being installed in an area containing shellfish. Since the bylaw was enacted stating no new docks in shellfish area, several docks have gotten permission. It would be possible to eliminate dredging by having the dock extend out 80', but the Harbormaster would not support that plan. Neuberger is not opposed to dredging as she believes it will improve the water quality which will help shellfish. The seeding that Natural Resources is doing is working and she believes well designed docks do not harm shellfish. She does not think the addition of one pier to the area will significantly harm shellfish. Usowski stated that this area has more types and higher quantity of shellfish than the docks Burgess is comparing. If the Commission were to approve a dock, she recommends it be monopile. Ketchum stated that every adaptation of this project has had difficulty with at least one agency or department and will be difficult to go through. McGuire stated the DMF letter is pretty straightforward. O'Leary does not agree with turning the coastal beach into land under water and Donovan is not in support of the project. He stated that there is a cumulative impact on docks and boats on shellfish habitat because the cause disturbance and pollution. Glen Wood stated that there is no proof of cumulative impact. The only reason they are asking for a shorter dock is because of the moorings that have been placed, by the Town, in front of this property. They were only placed there because at the time there was no dock. He believes DEP would approve the dock, but he would rather reach an agreement with the Commission. Chase states he is still against the project due to the amount of shellfish and dredging; removal of dredging would be an improvement. Burgess stated at 80' a variance would be required for distance to adjacent structures. He would like to meet with Rendon again. Abutter Lee Scarborough stated he sees a lot of people shellfishing in that area and that it will be difficult to move those moorings because of how many boats are in the harbor. **Motion to continue to March 6, 2019 by Brad Chase and seconded by Stan Pastuszak. Motion approved unanimously.**

Discussion

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

Presenters: Jean Paul and Derith Marjollet

The Marjolllets have a permitted dock and had agreed to store it out of the buffer zone, but the pieces are very difficult to move. They would like permission to store the dock on the beach. Chase wondered if there was an area closer to the bike ramp to do storage, but it is too vegetated there. Chase suggested a site visit before making a determination of where it could be stored. The Commission is concerned with allowing a dock to remain when everyone else is required to move them outside of the buffer zone. They will come back to a meeting after a site visit is done.

Orders of Conditions

Theodore Borman, 176 John Joseph Rd, Map 72 Parcel T1. Vista prune.

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. Donovan would like monitoring reports for 5 years.

Bob Thomason, 67 Lower County Road, Map 1 Parcel E1-1A. Add additional float to existing, licensed dock.

Karen Maynard and Mark Moleski, 119 Julien Road, Map 16 Parcel W4-4. Demolition of existing dwelling and construction of a new dwelling to be elevated above the flood plain.

Motion to approve the four Orders of Conditions by James Donovan and seconded by Brad Chase. Motion approved unanimously.

Extensions

Wendy & Douglas Kreeger, 1 Wah Wah Taysee Rd, Map 6 Parcel F2-1. Would like a one-time three year extension. They will be submitting a request for amendment of the Order of Conditions for a planting plan. **Motion to approve by Brad Chase and seconded by Mark Coleman. Motion approved unanimously.**

Harbor Rd LLC, 13 Harbor Rd, Map 8 Parcel S31. Need one year extension for plantings. **Motion to approve by Brad Chase and seconded by Stan Pastuszak. Motion approved unanimously.**

Certificates of Compliance

Wequassett Inn LLP, 2171 Route 28, Map 115 Parcel S1-3. Landscape and hardscape improvements. **Motion to approve by James Donovan and seconded by Mark Coleman. Motion approved 6-0-1 with John Ketchum abstaining.**

Wychmere Harbor Real Estate, 23 Snow Inn Rd Unit 13, Map 8 Parcel P2. Pavilion.

Gregory Manocherion, 35 Snow Inn Rd, Map 8 Parcel F1. Rebuild boathouse, boardwalk, bulkhead.

Cristy Godshall, 4 Sea St, Map 7 Parcel D2. Renovations and site improvements.

Hari & Catland Ravichandran, 5 Davis Ln, Map 7 Parcel J-10. Boardwalk.

Motion to approve the remaining three requests by Brad Chase and seconded by Stanley Pastuszak. Motion approved unanimously.

Adjournment

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

Minutes Transcribed by Nicole Smith, Assistant Conservation Agent.