



TOWN OF

HARWICH

732 Main Street

Harwich, MA 02645

CONSERVATION COMMISSION

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HARWICH CONSERVATION COMMISSION – MINUTES

WEDNESDAY, JANUARY 16, 2019--6:30 P.M.

SMALL HEARING ROOM, HARWICH TOWN HALL

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

Call to Order

By Chairman Brad Chase.

HEARINGS

Request for Determination of Applicability

Fergal Brennock, 5 Nehoiden St, Map 12 Parcel X3-1A. Reconfigure first floor and add second floor.

Presenters: Dan Croteau, Fergal Brennock

Proposed addition of second floor. Work will be in the flood zone and buffer to the wetland. Usowski stated there will be no change in the footprint and reiterated that if more than 50% of the appraised value is improved upon than the building has to become flood compliant. There is no impact to the resource area and she recommends approval. **Motion to find a Negative 3 determination by James Donovan and seconded by Mark Coleman. Motion approved unanimously.**

Jason Tribush, 64 Deep Hole Road, Map 16 Parcel M5. Addition, new deck and minor grading. **Motion to continue to February 20, 2019 by Brad Chase and seconded by James Donovan. Motion approved unanimously.**

Notices of Intent

Robert Cafarelli, Town of Harwich Engineering Department, Corner of Nickerson Road and Sugarhill Drive, 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.

Presenters: Danielle Galant, Mike Juidice

The Harden Lane pump station was not properly advertised and will not be voted on tonight. Proposed construction of pumping stations for sewer project. The Sugar Hill station will have 30 s.f. of impact to LSCSF and 50 s.f. in the 60' no build zone. It will have a small building around it to make it more visually appealing. The Harden Ln pumping station is in riverfront only. It is approximately 40 sq. ft. of impact. The stations have to be at the low point of the system which tends to be associated with wetlands. There are emergency generators to make sure the pumps will run if the power goes out. During a long term power outage there is storage capacity in the pipes and a storage well. Water flow is also reduced when there is a power outage, so overflow into the wetland is unlikely. **Motion to continue to Feb 6, 2019 by Brad Chase and seconded by John Ketchum. Motion approved unanimously.**

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

Presenter: Theodore Borman.

Vegetation that was previously pruned has now become overgrown. He would like to prune again to have a view of the pond. NHESP sent a letter of no take. The proposed plan is to prune shrubs lower and prune lower tree branches and remove a few pin saplings. Low growing shrubs will be planted. The invasive willows may be added at a later date and after speaking with an arborist. If he wishes to remove the willows a Request for an Amended Order of Conditions shall be filed. Usowski recommends approval. **Motion to approve by James Donovan 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. **Motion to continue to Feb 6, 2019 by Stanley Pastuszek and seconded by James Donovan. Motion approved 3-0-2 with John Ketchum and Brad Chase abstaining.**

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).

Presenter: Rick Vayo, Mark Burgess, Dan Croteau, Emma Vantour

The applicant proposed to replace damaged bulkhead, reconstruct boathouse with a new deck, install 194 s.f. of BVW, relocate stairs, add new access path and vegetation removal and replanting. NHESP sent a "no take" letter. At a previous hearing it was questioned as to if the bulkhead should be grandfathered. Town Counsel gave an opinion that could allow the Commission to approve the bulkhead under as a limited project. Usowski stated she could not recommend approval of the access path. Donovan stated that the path is proposed to be in the no disturb zone and he isn't in favor of it and he has difficulty with the dock since it goes against regulations. There is healthy BVW on either side of the bulkhead area and he would prefer to see that area naturalize. Pastuszek is against the path going down the bank. He understands the desire for the deck and how it can be useful to limiting disturbance, but doesn't see how they can approve construction in the no disturb

zone. He is not against the bulkhead because he doesn't want the bank to erode and how well the area would naturalize cannot be predicted. Ketchum also understands the point of the deck and how it can keep activity contained, but he does not believe it is a good idea to allow it due to precedent. Vayo believes he is doing a lot of mitigation to allow for the deck. He says his other option is to rebuild the bulkhead, fill behind it and use that area like it has been in the past. Chase does not believe the path should be allowed and he can't see permitting the deck due to the location in the no disturb zone and that it will alter habitat. He could be amenable to replacing the bulkhead as it was. Coleman also believe that the path should not be allowed, but he is in support of the wall and deck as proposed. The Commission agrees with the removal of the deck and path from the proposal and making the bulkhead closer to what was originally there. Revised plans shall be provided. **Motion to approve pending revised plans by James Donovan and seconded by John Ketchum. Motion approved unanimously.**

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

Presenter: Bob Thomason

The applicant would like to add a 4'x16' float to the existing dock in order to hold more boats, making a total of 192 s.f. of floats. The addition will not increase the overall length of the dock. One new piling will be added to support the new float. The piling will be a 10" piling that will only be installed once and it won't be damaged by ice. Waterways has signed off on the plan and Usowski recommends approval.

Public Comment: Maureen Carney of 35 Riverside Drive was upset that she did not get a certified abutter letter. Usowski stated only people within 100' of the project get notified and 35 Riverside Drive is well out of that area. She was angry that the owner has blocked off an access path to the river. Mr. Thomason said the access was on private property and Chase stated that this is not an issue for the Conservation Commission and he believes the applicant has satisfied the requirements of abutter notification. **Motion to approve by Stan Pastuszak and seconded by Mark Coleman. Motion approved unanimously.**

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.

Presenters: David Clark, Emma Vantour

Revisions to the plan include removal of the breakaway panels and dune nourishment under the deck. Ninety two shrubs and four trees are being installed and invasive species will be managed. The path is being reconfigured to increase mitigation which is greater than 3:1. Plantings will be up to the edge of the deck. Clark stated that if you count removal of the stone area that was not included on the plan there would be a net reduction of coverage. If they drop the garage another foot they could get rid of the wall. Chase is concerned with any increase in the 0'-50' buffer. He is also concerned that the project is not pulling back from the resource area. Clark believes that with an elevated deck and removal of a patio the site will see an overall site improvement. He will provide revised plans and coverage calculations that show there is no increase in the no disturb zone. **Motion to approve by James Donovan and seconded by Mark Coleman.**

Motion approved 5-1 with Brad Chase opposed. It was noted that the planks placed on Town property were not placed there by these homeowners and will be dealt with separately.

Certificates of Compliance

Jonathan Vanica, 2 Quason Ln, Map 7 Parcel A50. Demo and rebuild dwelling, site improvements. Work was never done.

Michelle Ryan, 8 Cranberry Hollow Ln, Map 83 Parcel R2-4. View corridor.

Town of Harwich, Long Pond Beach, Map 102 Parcel K1. New restroom and septic.

Motion to approve the three Requests for Certificate of Compliance by John Ketchum and seconded by Mark Coleman.

Approval of Minutes

Motion to approve the September 19, 2018 minutes by Brad Chase and seconded by Stan Pastuszak.

Discussion Items

16 Harbor Rd: There is an existing licensed dock and the owners would like to replace some piles and move one pile. The Commission is satisfied that this can be done by applying for an Administrative Review.

Review of Violations:

Lovers Ln- There was tree removal and grading. There will be an enforcement order and fine.

Skinequit Pond- There is an unpermitted dock, vegetation removal and site work.

Uncle Venies Rd- An unpermitted fence was installed right up to the edge of wetland. Will request removal.

Pleasant Lake Ave- Many property owners have been storing items and constructing hardscape and sheds. They were all sent a letter asking for removal of any unpermitted items.

Adjournment

Motion to adjourn by Mark Coleman and seconded by John Ketchum. Motion approved unanimously.

Minutes Transcribed by Nicole Smith, Assistant Conservation Agent.