



TOWN OF

HARWICH



732 Main Street

Harwich, MA 02645

CONSERVATION COMMISSION
(508)430-7531

(508)-430-7538 FAX

HARWICH CONSERVATION COMMISSION – MINUTES

WEDNESDAY, JULY 5, 2018

6:30 P.M.

DONN B. GRIFFIN ROOM, HARWICH TOWN HALL

Present: Brad Chase, Paula McGuire, Stan Pastuszak, Carolyn O’Leary, Ernest Crabtree, Mark Coleman, James Donovan, Associate Member John Ketchum and Conservation Administrator Amy Usowski

Call to Order

By Chairman Brad Chase.

HEARINGS

Requests for Determination of Applicability

Erik Skramstad, 4 Waters Edge, Map 104 Parcel N6-2. Conversion of deck to screened porch.

Presenter: Maura Schofield.

The property is adjacent to Long Pond and the 50’ buffer is naturally vegetated. Silt fence will be installed along the edge of existing clearing. The deck is existing and applicant is proposing to turn part of it into screened porch with some enlargement. The existing staircase will be removed and a new stairway will be installed in a different location. A certificate of compliance for the construction of the dwelling was never applied for and it came to light that a patio that was constructed was not permitted. The patio is being included on this RDA so that the house can receive the COC. Planting will be installed as mitigation for the patio. Usowski stated she is ok with the keeping the patio since mitigation is being done. Roof runoff from the porch should go to gutters, downspouts and drywells. She recommends a negative 3 determination. **Motion to find a negative 3 determination, with the addition of plantings, by Ernie Crabtree and seconded by Carolyn O’Leary. Motion approved unanimously.**

Michelle and Gavin Archibald, 8 Atlantic St, Map 6B Parcel L137. Proposed addition.

Presenter: Dan Croteau.

There is an existing open porch and the applicant wants to enclose to make living space and add an entry way. The area is already developed and there is a road and another house between this house and the resource area. Downspouts will go into drywells. Usowski recommends approval.

Motion to find a negative 3 determination by Ernie Crabtree and seconded by Mark Coleman. Motion approved unanimously.

Allen Harbor Marine Services, 221 & 225 Route 28, Map 11 Parcel W1-1 & W3-2. Site work for boat storage area and access.

Presenters: Brad Malo and Greg Leblanc.

Currently the lot is primarily vacant with an existing parking lot, trees and landscaping. The only resource area is Flood Zone. Grading will be done and then installation of a driveable, peastone surface. The disturbed perimeter will be repaired in kind and the six trees proposed for removal will be replaced. A drainage structure will be installed to handle any runoff. Usowski believes the changes will allow for better drainage and will have less impact during a flood than existing conditions. She mentioned that any retaining wall higher than 4 ft. would require a building permit. She recommends approval. **Motion to find a negative 2 determination by Stan Pastuszak and seconded by James Donovan. Motion approved unanimously.**

Notices of Intent

Steve Walsh, 9 Fiddler's Landing, Map 6 Parcel A1-9. Dwelling modification, deck replacement with patio and other site improvements (continued hearing).

Presenter: John Schnaible.

Changes have been made since the last hearing. The lawn has been reduced and there is 859 sq. ft. of proposed mitigation, most of which is in the 0'-50' buffer. There will be a 5' area lining the coastal bank. The trellis was replaced with a gate and the roof over the pier landing will be a pergola. A French drain was added around the patio to handle any runoff issues. Usowski is fine with the chosen plantings as long as Rosa rigosa is replaced with Carolina rose. As all issues from the first hearing have been resolved, she recommends approval and granting of the variance. A one-time layer of mulch may be placed around new plantings and temporary drip irrigation can be used until plants are established. O'Leary stated she would like a pervious drive outside of the 50' buffer. Donovan requested organic lawn care be a part of the Order of Conditions. Chase would like a very naturalized vegetated buffer and worries that with the application of mulch it will become too manicured. Usowski stated that it will be clear at the Certificate of Compliance site visit if they are still mulching and then it would not get approval. Schnaible agreed to spread a native seed mix amongst the bushes. **Motion to approve, with conditions that a native grass mix is used and all lawn care will be organic, by James Donovan and seconded by Mark Coleman. Motion approved unanimously.** Usowski would like a status update submitted in one year.

Roger and Nancy Bray, 192 Long Pond Dr, Map 102 Parcel E3-3. Proposed dock.

Presenters: Dan Croteau and Roger Bray.

The proposed dock meets all state and local criteria. The plan is to use parts of an old wooden dock and rebuild with new as necessary. The dock is located in Priority Habitat and are waiting to hear from NHESP. Usowski does not think that NHESP will have any negative comments. The old dock was permitted by the State before. The Commission should decide if they want the dock to be aluminum or wooden, but other than that she recommends approval. Donovan is concerned with mowing in the 50' no disturb zone. Usowski stated the area could benefit from an annual mow to keep it as a meadow. Chase would like the dock to go in no earlier than May 15th and must be removed by October 15th. It was decided that since the applicant already has wooden pieces to use, the dock may be wooden, but if it needs to be fully replaced it must be with an aluminum dock. **Motion to approve by James Donovan, with conditions of no jetting of piles, time restriction of May 15-October 15, stored out of the buffer zone, no disturb zone to be annually mowed with a 4 ft. path permitted and pending NHESP approval. Motion was seconded by Mark Coleman and approved unanimously.**

Darlene & Robert Turner, 18 Strandway, Map 1 Parcel J1-5A & J1-90. Proposed steps, dock and dredging (continued hearing).

Presenter: Mark Burgess and Glen Wood.

A new design has been submitted. The dock has been moved 23 ft. south, the float was moved, dredging has been completely removed, no piles will be located in the marsh, only two plots under the dock contain shellfish, the lateral access staircase was removed and steps were added for beach access. The revetment was removed from this project and will be presented with a future filing for work on the dwelling. A license was found for a dock at this location in the 1930s. Heinz Proft had no objection to this project, but the Waterways Committee did not like the proposal and preferred the original due to navigation concerns. Usowski stated that many changes are positive, however she finds the shellfish habitat to be significant. There is concern that the four pilings will cause scour and the alternative of using the association dock needs to be discussed. The Turner's do not wish to use the association dock because access is allowed to 51 people and it is incredibly difficult to be able to find a time to use it. McGuire is not in favor of a dock in an area that contains this quantity of shellfish. O'Leary stated that she does not like the dock extending so far towards the channel. Wood reminded the Commission that navigation is not an interest in the Wetlands Protection Act. Donovan is reluctant to grant a variance because there is no hardship and there is no benefit to the environment. Pastuszek feels the bylaw and regulations, as approved/voted by Town citizens, should be followed as closely as possible. The Commission decided they would like more information on where the substrate changes and that they need proof that shellfish will not be negatively impacted. **Motion to continue to August 1, 2018 by Brad Chase and seconded by James Donovan. Motion approved unanimously.**

Alfred and Carol Novak, 30 Harbor Road, Map 15 Parcel 15-A. Proposed pier, ramp, float and dredging (continued hearing).

Presenter: Mark Burgess and Glen Wood.

The hearing was continued due to split vote at the last hearing. The design has not changed. An additional shellfish survey was done and steamer holes were observed. There is a photo from 1949 showing a dock in this location. A hardship is created by having a mooring field in front of the

property. Usowski stated that the area is already highly impacted, but this is an area of significant shellfish habitat. Burgess believes the dredging will enhance shellfish habitat. Ketchum questioned a large boat eventually using the float, but it is difficult to regulate things that may happen in the future. Chase is concerned with dredging of viable shellfish habitat. **Motion to approve by Ernie Crabtree, with conditions that shellfish are relocated and mitigation of 30 bushels of seed each year for three years. Motion seconded by Carolyn O’Leary. Motion did not pass with a vote of 2 for and 3 against.** Burgess would like the option to continue to find more data on how dredging effects shellfish habitat. Wood stated the applicant would rather withdraw the Notice of Intent with potential to come before the Commission with a new project at a later date. **Motion to accept the withdrawal by Brad Chase and seconded by Stan Pastuszek. Motion approved 5-0-2 with James Donovan and Mark Coleman abstaining.**

Discussion-177 Forest Street: Steve Szafran and Nick Crawford present. A mitigation plan for the construction of a larger house was presented showing a mixture of 60 shrubs including Virginia rose, sweet fern and Viburnum dentatum. The invasive species will be treated in the fall and then the new plantings installed in the spring. Usowski approves of the planting types and number chosen. The Commission would like to go out and view the site again as there were uncertainties regarding the location of the mitigation. Coleman and Donovan both stated that the plan is a step in the right direction. **Motion to schedule a visit within two weeks by Brad Chase and seconded by Carolyn O’Leary. Motion approved unanimously.** The site visit will be at 5:30 pm on Thursday July 12th.

Orders of Conditions

Richard Boskey, 2 and 10 Lake Shore Drive, Map 110 Parcels A2 and A4. Proposed construction of a residential accessory building and septic system. A revised plan was submitted and the platform was reduced and five additional plants were added to the buffer row. **Motion to approve the project by Ernie Crabtree and seconded by Mark Coleman. Motion approved unanimously.** The Order of Conditions will be drafted for the next meeting.

Certificates of Compliance

Barbara Josselyn, 17 Harbor Rd, Map 8 Parcel S26. Vegetation control.

Joan Flash Davis, 69 Snow Inn Rd, Map 15 Parcel P3-A. Add float and ramp to existing pier.

Michael and Elizabeth Terlizzi, 27 Nons Rd, Map 6 Parcel C1-15. Maintenance dredging.

Scott and Kathryn Slater, 191 Main St, Map 56 Parcel S4-1. Construct barn.

Assistant Agent Nicole Smith visited all four sites and they were found to be in compliance. **Motion to approve the four Certificates of Compliance by Ernie Crabtree and seconded by Mark Coleman. Motion approved unanimously.**

Discussion-Harwich Wetlands Protection Regulations: Changes discussed were made and emailed. They will be discussed/voted on at the following meeting. Chase suggested adding more specific wording in regards to significant shellfish habitat and requirements for shellfish surveys.

Discussion-Illegal Dock at 3 Whippoorwill: Must have dock out by August 4th and after that a \$300 fine per day can be instituted. The original deadline was July 1st, but the applicant asked to extend the deadline due to renters expecting the dock. The homeowner is being pro-active and has been working with the department to rectify the issue.

Motion to adjourn by Brad Chase and seconded by James Donovan. Motion approved unanimously.

In attendance at meeting: Maura Schofield, Dan Croteau, Brad Malo, Greg LeBlanc, John Schnaible, Roger Bray, Mark Burgess, Glen Wood, Alfred Novak, Steve Szafran, Nick Crawford.

Minutes Transcribed by Nicole Smith, Assistant Conservation Agent.