



TOWN OF

HARWICH



732 Main Street

Harwich, MA 02645

CONSERVATION COMMISSION

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

HARWICH CONSERVATION COMMISSION – MINUTES

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

SMALL HEARING ROOM, HARWICH TOWN HALL

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

Call to Order

By Brad Chase.

HEARINGS

Requests for Determination of Applicability

Maureen Ellis, 0 Pleasant Lake Ave, Map 101 Parcel P1. Retaining wall.

Presenter: Maureen Ellis

The applicant built a small retaining wall to help with erosion issues on the property and from the access road. It was her understanding that if the work didn’t require machinery then it didn’t need to get permitted. She would like to keep the wall and add plantings. Usowski stated that since the wall is in the 50’ not disturb zone and because a softer solution was not attempted first, that she cannot recommend allowing it to remain. Usowski also noted that vegetation had been pruned and that cannot continue without a permit. Ketchum favors removal of the wall and plantings unless there is a requirement that the road remains clear. The road is used to bring boat and beach equipment and for access for those who do not have access from Pleasant Lake Ave. O’Leary mentioned that the road may need to stay open for people to remove docks. Donovan prefers trying plantings as well. Coleman suggested installing something at the beginning of the road to slow runoff, such as installing a log across the road. The plantings can be done administratively. There will not be a fine issued as she was responsive to the enforcement letter and they would prefer that money go towards plantings. **Motion to deny the retaining wall with a positive 2b and 5 and that the wall be removed by April 30, 2019. The motion was made by Stanley Pastuszak and seconded by Brad Chase. Motion approved unanimously.**

Notices of Intent

Alfred & Carol Novak, 30 Harbor Rd, Map 15 Parcel 15-A. Pier, ramp, float and dredging. Applicant has requested a continuance so that the Harbormaster can visualize the area with the other docks and boats in. **Motion to continue to June 19, 2019 by Brad Chase and seconded by Stanley Pastuszak. Motion approved unanimously.**

Great Woods LLC, 7 Great Woods Rd, Map 104 Parcel E8-1-2. Removal of parking area, installation of walkway, beach modifications. **Motion to continue to April 3, 2019 by Brad Chase and seconded by John Ketchum. Motion approved unanimously.**

Discussion of 2019 Violations

Commission suggested press regarding the increase in violations and to make people more aware of what requires permitting.

3 Skinequit Road

Presenter: Bill Crowell

There was unpermitted clearing of trees and understory vegetation on the bank. There are no plans or permits for the dock, staircase and playground. A fine of \$1,200 was issued. Crowell stated that the dock and stairs were there when the property was purchased, but they have replaced the decking and supports of the dock and there are new railings on the stairs. The play area was put in about 7 years ago. The cutting of vegetation was a mistake by the landscaper; in years past he has only cuts the vegetation down half way instead of all the way to the ground. He would like a reduction in the fine since the dock and stairs were installed by previous owners. Chase stated that an after-the-fact NOI is needed for this work. Usowski would like a new site plan showing the dock, stairs and movement of the playground outside of the 50' buffer. They need to create a substantial planting/vegetation restoration plan and work needs to be done by a professional. The Commission agreed with these requirements. Ketchum stated that the dock was in major disrepair before they re-did it and that it was not simple decking replacement. Usowski believes that extensive work on a non-permitted dock is considered new work. They have also been before the Commission with filings and violations before and are aware of the regulations. Coleman looks favorably on a reduction in fine and putting that money towards resource improvement. The Commission is chose to fine \$600.00 for the cutting and the playground, but will dismiss the \$600.00 fine for the stairs and dock. **Motion to amend the fines and require an after-the-fact Notice of Intent by Brad Chase and seconded by James Donovan. Motion approved 5-0-1 with John Ketchum abstaining.** The filing must be submitted by the May 20th filing deadline. They have 30 days to pay the fine.

7 Cod Lane: The owner claims she has permission for removal of one dead tree. We do not have record of this and it was about a year ago that it was discussed and so it is unclear exactly what happened. However, work was done beyond removal of one tree. Several trees were removed or pruned and a track machine entered the wetland. A stop work order was issued, but no fine due to the unclear nature of the situation. Amy suggests issuing a warning and requiring seeding with a

native seed mix. She does not suggest native plantings because it is not likely they would survive with the large amount of invasive species in the area.

61 Lovers Lane: Tree removal and adding of fill were done without a permit. She has hired a company to do an after-the-fact filing and that is being worked on now. A \$600.00 fine was issued and paid.

10 Sunrise Lane: Three trees removed. An on-site meeting will be set up with the owner to determine next steps.

50 Uncle Venies Road: Need status update from owner on fence removal/after-the-fact filing.

108 Clearwater Drive: Removal of 15 trees occurred without a permit. A fine and enforcement order were issued and the return receipt came back. Have yet to hear from anyone at this time.

Pleasant Lake Avenue beaches: After the enforcement letter was issued there was some progress made in the cleanup of the beaches. Those who have made no attempt to comply or contact us will be sent a certified letter to ensure they receive it.

Orders of Conditions

Andrew & Michelle Olson and Phyllis Charles, 23 Betty's Ln, Map 70 Parcel S1-5. Septic, replace retaining wall, tree removal and planting. Provided new plan with new fence location.

Motion to approve the Order of Conditions by Brad Chase and seconded by Carolyn O'Leary. Motion approved unanimously.

Request for Extension Permit

Susan & Mark Sangiolo, 9 Skecheconet Way, Map 4 Parcel C1-3.

Presenter: Susan Sangiolo.

The plantings have started but work has not been completed and the garage has not been built yet. Usowski recommends the extension with the conditions that more monitoring/updates occur and that the approved American beach grass is replaced with a different native grass. The plan is to have planting completed this spring. The location of the raised planters may need to be adjusted, but they would be further from the resource area. **Motion to approve the 3-year extension with the condition that the planting is done this spring and that seasonal updates are given. Motion by James Donovan and seconded by Mark Coleman. Motion approved unanimously.**

Craig Borden, 424 Pleasant Lake Ave, Map 91 Parcel J3-4. Two permits were pulled for this property; one for the house and one for the dock. The house has a certificate of compliance, but they have not done the dock yet. The dock regulations have not changed since 2016. Usowski recommends one 3-year extension. **Motion to approve the 3-year extension by Carolyn O'Leary and seconded by John Ketchum. Motion approved 5-0-1 with Stanley Pastuszek abstaining.**

Certificates of Compliance

Stone Horse Yacht Club, 4 Harbor Rd, Map 8 Parcel S4. SE 32-2050 and SE 32-2253. The dock configuration matches the approved plans and a Certificate of Compliance is recommended.

Motion to approve the Certificate of Compliance by John Ketchum and seconded by James Donovan. Motion approved unanimously.

Other Business:

236 South St: Presenter: Mike Lewis.

They would like to put up fencing on the property and the Commission needs to decide if this is an agriculturally exempt activity. The area is open space and no vegetation will have to be removed. It will be elevated 6" to allow for passage of wildlife. The Commission will do a site visit and then make a determination.

The Arbor Day Plant Giveaway is April 26th and Tour de Trash is April 27th.

Chase would like the Commission Cheat Sheet to be sent around and finalized.

This year the Conservation Department is taking care of the shorebird monitoring and will be hiring someone part-time. They are being paid out of the budget that used to go to pay Mass Audubon to do this work. The change will be more cost effective.

Motion to adjourn by Brad Chase and seconded by Carolyn O'Leary. Motion approved unanimously.

In attendance at meeting: Mike Lewis, Bill Crowell, Susan Sangiolo, Maureen Ellis

Minutes Transcribed by Nicole Smith, Assistant Conservation Agent.