



TOWN OF

HARWICH

732 Main Street

Harwich, MA 02645

CONSERVATION COMMISSION

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HARWICH CONSERVATION COMMISSION – MINUTES

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

DONN B. GRIFFIN HEARING ROOM, HARWICH TOWN HALL

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

Call to Order

By Chairman Brad Chase.

HEARINGS

Discussion

James Lipscomb, 47 Harbor Rd, Map 15 Parcel U36-1. Possible deck expansion.

Presenter: James Lipscomb.

The existing deck needs to be replaced and he would also like to expand it by about 5’. The top of coastal bank is right up to the house even though it is has upland characteristics. This is due to low topography and it is several hundred feet from an actual wetland. He would like to know what to file or if it is worth filing since work would be right at the coastal bank. Pastuszak noted that the area is already disturbed. The Commission decided the filing of an RDA would be appropriate.

Request for Change in Plans

Chase Street Properties, 20 Chase Street, Map 4 Parcel N2-2. Minor change to configuration of dwelling and additional mitigation.

Presenter: David Lyttle

The architectural plans have been revised resulting in some changes to the site plan. There is a 100 s.f. increase in the 50’ buffer, but a reduction in the 50’-100’. There is 124 s.f. increase in mitigation. Usowski stated that there is more disturbance in the 0’-50’ than was approved, but it is still less than what was originally there. She recommends filing for an Amended Order of Conditions because there is more work in the no disturb zone. **Motion to require a request for**

amendment by Brad Chase and seconded by Mark Coleman. Motion approved 5-0-2 with Paula McGuire and Stan Pastuszek abstaining.

Requests for Determination of Applicability

Carol & Ivar Jozus, 16 Old Wharf Rd, Map 16 Parcel L3-2. Dwelling and septic system.

Presenter: David Lyttle

The applicant is proposing to demo the existing dwelling and construct a new dwelling and upgrade the cesspool to a Title 5 system. The dwelling will be in the same footprint, but with a slightly different configuration. The only resource area is flood zone and removal of the cesspool is the only actual work in the flood zone. With the condition that the only trees to be removed are what is necessary for the house and septic, Usowski can recommend approval. **Motion to find a negative 3 determination by Stan Pastuszek and seconded by James Donovan. Motion approved unanimously.**

Virginia Chamberlain, 87 Route 28, Map 10 Parcel W3. Detached garage.

Presenter: David Lyttle

The applicant is proposing a new detached garage. The resource area is flood zone and FEMA has given permission to do this work. O'Leary pointed out that the plan does not show the driveway going all the way to the garage and Lyttle stated that it will in fact attach to the garage.

Motion to find a negative 3 determination by Stan Pastuszek and seconded by John Ketchum. 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 to March 20, 2019. **Motion to continue to March 20, 2019 by Brad Chase and seconded by James Donovan. Motion approved unanimously.**

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

Presenter: Robert Reedy, Michelle Olson.

The applicant is proposing to replace a failed septic system, remove 15 trees leaning towards the house and reconfigure the retaining wall area and add a fence for the dogs. Three American hollies, two eastern red cedars, a flowering dogwood and ten sweet pepperbush. There is currently a three tiered retaining wall and they would like to remove the bottom two rows and replace the top row and move the location of the stairs. The fence will be approximately where the middle tier is. Usowski stated the fence should be moved to make it more compliant with our regulations. It was decided that it will go no closer to the resource area than rebuilt retaining wall. A revised plan will be submitted. **Motion to approve by James Donovan and seconded by Mark Coleman. 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.

Presenters: Sean Riley, Caitrin Higgins, Mike Ford

This is an after-the-fact filing. Work was done on the property by a management company and the homeowners assumed they had pulled permits when they hadn't. The company has since been fired and a new one hired. Work included additions to the deck, walkways, patio and rock revetment. Chase questioned if trees had also been removed and Riley believes they were inside the limit of work when the house was being built. A mitigation plan has been provided. They will plant native vegetation to create an understory. The rocks will be removed from the beach and fiber rolls and sand filled coir envelope will be added to maintain stability. Any nourishment added will be planted. Usowski mentioned bringing in some fill and planting instead of adding the rolls and Riley thought that would work. Invasive vegetation will be removed and seeded with a native mix and covered with an erosion control blanket and then native shrubs will be planted. Chase stated that mitigation for work done in the 0'-50' buffer should be in that area and not in the 50'-100' buffer, as proposed.

Abutter Ron Anderson asked what the policy on chemical use is. Usowski stated that chemical application is not allowed in the buffer zone and permanent irrigation is generally not allowed. Anderson believes permanent irrigation and fertilization occur on all properties owned by Great Woods LLC. They have also established a walkway between two properties.

A site visit will be set up for the Commissioners and representatives to review the issues brought up. **Motion to continue to March 20, 2019 by Brad Chase and seconded by John Ketchum. Motion approved unanimously.**

Public Hearing

Discussion and possible vote on management actions for the Herring River bogs in the Bells Neck Conservation Area.

The bogs have not been cultivated recently. The Commission put them back out for lease and only one proposal was submitted and it was withdrawn. The Commission now needs to decide what to do with them. Larry Ballantine and Michael MacAskill both expressed that they would like to keep them as active bogs and stated that the BOS discussed this and agreed. They thought that perhaps the RFP could be modified to get more proposals. Leo Cakounas said he would like to see a new RFP that does not require organic farming, just best management practices and that the lessee become a certified chemical applicator. He would like it to say that it is not limited to cranberry farming so that other things may be grown to be more profitable and to increase the lease from 10 years to 20 years. MacAskill and Cakounas both mentioned that if Mark Coleman is still interested in the lease he should recuse himself. Coleman recused himself. Alan Hall and Brandon Hall are in favor of keeping the bogs active.

Donovan stated that there are risks to herring with this bog and there is a lot of native vegetation and wildlife activity in this area. He thought it might be an option to maintain a small area of bog in the middle and let the rest naturalize. O'Leary is concerned with it not being organic and having harmful chemicals leaching into the water system. Ketchum understand the heritage and history of cranberry bogs in Harwich, but agrees large issues like fisheries and water quality need to be considered. He also believes a longer lease wouldn't work because the lessee would give

up due to lack of profit. Overall, he is not in favor of leasing again. Pastuszak is in favor of keeping them active. He also questioned why the most recent RFP was so much more detailed than previous ones. Usowski and Chase stated because of wildlife and herring issue and the fact that the previous lease failed. McGuire would like to lease again with the condition that whoever leases it would work hard with the Commission to rectify chemical and fish kill issues. Chase is in favor of naturalization and believes that would give more back to the Town than a cranberry bog. Alan Hall suggested using CPA funds to resolve issues. Ketchum mentioned that while many people have expressed they wanted the area to remain active, no one has expressed interest in actually having the lease themselves. **Motion to not issue an RFP and to develop a management plan by James Donovan and seconded by John Ketchum.** Usowski thinks money from the conservation revolving fund should be used to develop a plan with a third party. This does not mean that agriculture won't be allowed, but that a plan will be developed for the whole area. **Motion approved 4-2-0 with Stan Pastuszak and Paula McGuire opposed.**

Orders of Conditions

Susan Hollis, 9 Stanley Rd, Map 81 Parcel A-11. Vegetation removal and planting. **Motion to approve by O'Leary and seconded by McGuire. Motion approved 6-0-1 (Chase momentarily stepped away).**

Request for Extension Permit

Francis & Debra Zarette, 11 Harbor Way, Map 1 Parcel H3.

Presenter: Sean Riley

They are requesting a three year extension. Because of the time the project spent in litigation, not everything was able to be completed. **Motion to extend the Order of Conditions by three years by Carolyn O'Leary and seconded by Stan Pastuszak. Motion approved unanimously.**

Richard & Janet Kaiser, 4 Spring Tide Ln, Map 38 Parcel A1-7. **Motion to approve the three year extension by Paula McGuire and seconded by Stan Pastuszak. Motion approved unanimously.**

Peter Hopple, 71 Gorham Rd, Map 32 Parcel W2. **Motion to approve a one year extension by John Ketchum and seconded by Stan Pastuszak. Motion approved unanimously.**

Certificates of Compliance

Eric & Ruth Orne, 11 Atlantic St, Map 6B Parcel L114. Addition (SE 32-140) and repair and maintenance of wall (SE 32-146). **Motion to approve by Paula McGuire and seconded by Stan Pastuszak. Motion approved unanimously.**

Erik Skramstad, 4 Waters Edge, Map 104 Parcel N6-2. Dwelling, stairway and dock. Motion to approve by James Donovan and seconded by Brad Chase. Motion approved unanimously.

Patricia Butler, 33 Uncle Venies Road, Map 17 Parcel F1-1. Landscaping activities. Motion to approve by Brad Chase and seconded by John Ketchum. Motion approved unanimously.

Adjournment

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

Minutes Transcribed by Nicole Smith, Assistant Conservation Agent.