

10/3/2018
B. Chase



TOWN OF

HARWICH

732 Main Street

Harwich, MA 02645



CONSERVATION COMMISSION
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HARWICH CONSERVATION COMMISSION – MINUTES

WEDNESDAY, MAY 16, 2018 6:30 P.M.

SMALL HEARING ROOM, HARWICH TOWN HALL

Present: Carolyn O’Leary, Ernest Crabtree, Stan Pastuszak, Paula McGuire, Mark Coleman, James Donovan and Conservation Administrator Amy Usowski. Brad Chase arrived 3 minutes later.

Call to Order

By Vice Chairman Carolyn O’Leary.

HEARINGS

Request for Determination of Applicability

Andrew and Michelle Olsen, 20 Sequattom Road, Map 101 Parcel R2. Remove the existing detached studio and replace with a new garage/studio.

Presenter: John O’Reilly

The existing studio will be replaced with a garage/studio of the same size with a slight difference in location. They would also like to replace flagstone patio. Garage will be 97’ from the resource area and on a replacement slab. Trees and landscaping will remain. Usowski recommends a Negative 3 Determination that work will take place in the buffer zone but will not have a negative impact on the resource area. **Motion to find a Negative 3 Determination by Ernest Crabtree and seconded by Paula McGuire. Motion approved unanimously.**

Notices of Intent

Mark Russo, 5 Salt River Ln, Map 4 Parcel A1-B3. Proposed shorefront protection (continued hearing).

Presenter: Roger Michniewicz, Nate Jones
Mark Coleman abstained from the hearing.

Greg Berman visited the site; he thought the solution they provided was appropriate in this situation and he noted a big issue was top down runoff. He did not believe that end scouring was exacerbated by the rocks currently present and the area is uniform for several hundred feet beyond the wall. Usowski stated that the fiber rolls have lasted a long time, but are failing and are not ideal for this area. She stated she could be in favor of the project with confirmation the revetment would be rough faced and with more specific construction protocol. Marsh pillows are proposed and the wall will be feathered to prevent scour on the adjacent property. The area where rolls are being removed will be seeded and stabilized. Donovan's primary concern is damage to the salt marsh and has no issue with the project if that will not be harmed. Chase asked if a seepage analysis had been done and Michniewicz stated that he believes wave action and storms are the bigger cause of erosion over seepage. Chase would like to establish a benchmark to monitor what happens in the future and would like conditions to be drafted pertaining to construction protocol, monitoring techniques and the benchmark. Usowski stated monitoring will continue for at least the life of the permit (three years), but the Commission may request the ongoing condition of an annual report. There are three 3'x3' marsh pillows proposed and Chase stated he would like to try five pillows. The planting plan was approved on a separate filing. **Motion to approve the Notice of Intent by Carolyn O'Leary and seconded by James Donovan. Motion approved 6-0-1 with Mark Coleman abstaining.**

2 and 10 Lake Shore Drive, Richard Boskey, Map 110 Parcels A2 and A4. Proposed construction of a residential accessory building and septic system. **Motion to continue to June 6, 2018 by Brad Chase and seconded by Ernest Crabtree. Motion approved unanimously.**

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

Applicants are requesting to withdraw due to quorum issues and the newest members not be able to vote. **Motion to allow the withdrawal of SE 32-2323, without prejudice, by Ernest Crabtree and seconded by James Donovan. Motion approved unanimously.**

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

Presenter: Mark Burgess.

Applicants are proposing a short rock revetment, access stairs and a dock. The access stairs will be dug in risers. There is an existing revetment in place protecting a pre-1978 structure. They plan to redo the revetment in the correct manner and it would allow for protection about 90% of the time. The excavator will work from above to deconstruct and construct wall. There will be no equipment in the marsh. Burgess stated a vegetation planting plan will be produced and will be part of a future filing for work on the dwelling with the assumption that there will be a condition that no work occurs until the planting plan has been approved. Usowski stated that a planting plan and mitigation for the dwelling does not count towards mitigation for the revetment, as well as mitigation/planting for the revetment will no count towards the dwelling; separate plans are needed for each project.

The dock will be a standard design with permanent pilings and seasonal decking for removal. Just under 100 cubic yards of dredging is proposed. The Commission asked to have the dock extended into deeper water to avoid dredging, but the Waterways Committee did not agree due to the proximity to the mooring field. The dock has been designed to minimize harm to shellfish habitat and the most concentrated area of shellfish is out of the dredge area. After dredging better sediment will be exposed and this should be beneficial to shellfish. Natural Resource Director Heinz Proft has no concerns as the mitigation of 30 bushels of seed each year for three years will offset any impacts the dredging may have. Burgess stated that when factoring in survival rate, two acres of area should be successfully seeded and he believes that the shellfish mitigation outweighs any harm the dock may cause. If the dock was not installed, it would lead to a dinghy on the beach, foot traffic through the marsh and the boat being on the beach when loading and unloading, potentially causing more harm than installation of a dock.

Usowski stated that as long as revetment work is done from the top down and disturbed areas are planted and stabilized, she can recommend the stairs and revetment for approval. However, as currently proposed, she cannot recommend the dock due to volume of shellfish and lack of evidence that the salt marsh will not be harmed. Coleman stated he would approve the revetment and that a good case was made in regards to shellfish mitigation. McGuire is ok with the revetment, but does not feel comfortable approving the dock at this point. Donovan expressed concern with not only the health of shellfish, but with the ability of people to access shellfish being impeded by the dock. Crabtree stated that the way the access stairs are proposed causes them to lead to foot traffic on the marsh. Burgess stated that Chapter 91 requires public access at mean high water so they either have to have the dock high enough people can walk under or build in stairs. He believes he can raise the dock 1ft to meet the 5 ft requirement that will allow people to walk under it. He will then put stairs on one side of the dock or into the revetment to allow the homeowners access to the beach. He will also look at reconfiguring the dock to get it 25' away from the salt marsh. Pastuszek voiced his concern with allowing a dock in shellfish habitat when that goes against the bylaw the town voters approved. He does not have a problem with the revetment. Chase is interested in protecting existing habitat, not seeding, and does not believe they are comparable. Mr. Turner expressed his desire for a dock and said he was willing to do whatever it takes to get it approved. O'Leary stated that it is the Commissions' responsibility to heavily consider Proft's opinion in regards to shellfish and their habitat. Crabtree would like proof that dredging will improve the habitat. In the Proft letter, it is eluded to that more suitable soils will occur after dredging. Burgess said he would like to come back to another meeting with changes that may make the dock more approvable. Changes include tightening the dredge area by steepening the slope, possible rotation of the dock, raising the dock, lengthening the ramp and shortening the dock.

Motion to continue to June 6, 2018 by Brad Chase and seconded by Ernest Crabtree. Motion approved unanimously.

Discussion of change in plans for 17 Shore Dr.

Presenters: Dan Croteau and Harry Ellis.

A well line needs to be run from the well to the house and that was not anticipated in the original plan. They also need to run a propane line and have added deck steps. The Commission had no

issues with these changes. **Motion to approve the change in plans by Carolyn O’Leary and seconded by Stan Pastuszak. Motion approved unanimously.**

Orders of Conditions

Jennifer Taylor Chiasson, 17 Sound View Rd, Map 26 Parcel L1-11. Proposed vegetation management in order to maintain a view corridor and the proposed removal of 4 trees and mitigation plantings. Work will take place on and in the 50’ buffer zone to a coastal bank and in the 200’ riverfront area.

Presenters: Paul and Jane Ayoub.

The Ayoub’s would like to make some modifications to the wording of their Order of Conditions. The changes to conditions 4 and 9 make sense and the Commission did not have a problem with them. Ayoub would like to change condition 11 to have more solid language allowing this work to be maintained after receiving a Certificate of Compliance. Usowski stated that if the project goes well there is no reason the Commission wouldn’t allow view maintenance, but does not feel comfortable giving that permission at this time. Chase stated he favors the original language. He would like Ayoub to come back in three years, show that he has followed the permit and then request to maintain the view. Coleman agrees that approval should not be given at this point due to the fact that homeowners, board members and standards change. It was agreed that the condition would say that at time of Request for Certificate of Compliance the Commission may grant maintenance of the view, as is, in perpetuity.

Jennifer Taylor Chiasson & Jane Ayoub, 17 & 23 Sound View Rd, Map 26 Parcel L1-11 & L1-10. Proposed vegetation management in order to maintain a view corridor. Work will take place in the 50’ buffer zone to a coastal bank, on the coastal bank, within LSCSF and in the 200’ riverfront area.

Presenters: Paul and Jane Ayoub.

The same changes that were made for 17 Sound View Rd were made for this Order as well.

Jane Ayoub, 23 Sound View Rd, Map 26 Parcel L1-10. Proposed vegetation management and establishment of a view corridor, the removal of asphalt and wooden patio to be replaced with pervious materials. Work will take place on and in the 50’ buffer zone to the top of a coastal bank, within LSCSF and in the 200’ riverfront area.

Presenters: Jane and Paul Ayoub.

The Ayoub’s would like to continue being able to use fertilizer, but are agreeable to limiting it to the 0’-50’ buffer. Usowski will review the meeting recordings to see what was stated in the meetings and then modify the condition if needed.

Marie Logan, 11 and 13 Brian Way, Map 104 Parcels E2-1 & E2-2. Construct 5-bedroom dwelling, install water main, hydrant and service. Plan was revised with increased mitigation and protection of cedar trees. **Motion to approve the Order of Conditions by Brad Chase and seconded by Ernest Crabtree. Motion approved unanimously.**

Discussion of 116 South St.

Brad Chase recused himself.

Presenter: Ken Weeks.

It was brought to the department's attention that lobster pots were being stored near a wetland. The Commission asked Weeks to get an update site plan and it was found the pots were being stored in the wetland. Weeks stated the traps would be fully out in early June and that they are only stored on the property a few months of the year and during non-growing seasons. He believes he will be able to store all of the traps outside of the wetland, but will still be in the buffer zone. The Commission decided that if the traps are removed and do not get stored on the property again than no further action is needed; if he wants to store them on the property he will need to file a Notice of Intent.

Certificates of Compliance

Town of Harwich, 715 Route 28, Map 15 Parcel T3. Repave boat ramp and storm drainage system repairs (SE 32-1798) and maintenance and reconstruction of existing boat ramp and bulkhead (SE 32-1908). Work has been completed and Usowski recommends approval. **Motion to approve Certificate of Compliance for SE 32-1798 and SE 32-1908 by James Donovan and seconded by Mark Coleman. Motion approved unanimously.**

Craig and Terrie Borden, 2A Hinckley Road (formerly 424 Pleasant Lake Ave), Map 91 Parcel J3-8. Construction of a single family dwelling. Plantings survived and irrigation has been removed. Permission was given to remove two broken trees via Administrative Review. **Motion to approve a Certificate of Compliance by James Donovan and seconded by Stan Pastuszak. Motion approved unanimously.**

Anne and Deborah Castricum, 17 Adams Street, Map 32 Parcel K4-26. Septic system. System was installed over 10 years ago. The health department had a septic as-built and it looks as if it was installed according to plan. **Motion to approve the Certificate of Compliance by Donovan and seconded by Coleman. Motion approved unanimously.**

Osborne Bearse and Janet Gagnon, 0 Sequattom Rd, Map 101 Parcel R4-3. Rebuild bulkhead. The bulkhead is in compliance. **Motion to approve the Certificate of Compliance by James Donovan and seconded by Mark Coleman. Motion approved unanimously.**

Discussion and Possible Vote

1. Jim Donovan would like to be liason to Real Estate and Open Space Committee: **Motion to nominate James Donovan for REOS Committee by Brad Chase and seconded by Mark Coleman. Motion approved unanimously.**
2. Review of submitted proposal(s) for leasing of the Herring River Bogs in the Bells Neck Conservation Area, and possible recommendation to Board of Selectmen.
Mark Coleman submitted the only proposal. Donovan asked what the argument was against naturalization. In general, it was decided that it was a traditional use of the area and people

wanted to keep the heritage of Harwich in-tact. Chase stated he was in favor of it being naturalized. Usowski stated that it will take a substantial amount of time to reclaim the area and we wanted to get the bid out before it became unusable. Donovan stated he would be in favor of it becoming naturalized. The Commission will not act tonight in order to have more time to review and evaluate the proposal. Commissioners should have their comments in by the end of next week and then they will be distributed to Coleman and discussed at the next meeting.

Minutes

Motion to approve the February 21, 2018 meeting minutes, with a correction, by Stan Pastuszak and seconded by James Donovan. Motion approved unanimously.

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

In attendance: Roger Michniewicz, Nate Jones, Angela Turner, John O'Reilly, Dan Croteau, Bob Turner, Darlene Turner, John Ketchum, Mark Burgess

Minutes Transcribed by Nicole Smith, Assistant Conservation Agent.