



TOWN OF

HARWICH

732 Main Street  
Harwich, MA 02645

CONSERVATION COMMISSION

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HARWICH CONSERVATION COMMISSION

MAY 25, 2016

DONN B. GRIFFIN ROOM  
HARWICH TOWN HALL

6:30 PM

MINUTES

**PRESENT:** Brad Chase; Robert Sarantis; John Rossetti; Carolyn O'Leary; Ernie Crabtree, and Amy Usowski, Conservation Administrator.

**ABSENT:** Walter Diggs, Chairman

**CALL TO ORDER**

6:36 PM by Vice Chairman, Brad Chase

**HEARINGS**

**NOTICE OF INTENT - Continued from 5-11-2016**

6:39 **Alan & Julie Curtis, 65 Snow In Road, Map 51, Parcel B1-B** - New pervious 12' x 20' stone patio in 0-50' buffer to top of coastal bank.

Presenter: Swavi Osev, President & CEO, R & K Landscaping

Mr. Osev explained a more detailed planting plan after discussions with Amy Usowski. Ms. Usowski explained what a structure is and what it is not. Mr. Osev stated that the applicants are open to grass and other options.

Ms. Usowski discussed plantings and limited mitigation. She explained "adding" rather than simply adding to what is already there. She recommends saving what is native and augmenting as there are some invasives there.

Ernie Crabtree discussed "if not a structure" need for mitigation.

John Rossetti said he feels any disturbance to the ground in the 50' buffer is a structure according to By Law. He feels adding a patio is not necessary or that it represents a hardship.

Discussion of impact to a coastal bank. Ms. Usowski said it meets Wetland Protection Act (WPA) by the state, but that the Town By Law is more stringent.

Mr. Osev discussed lawn with fertilizer and watering.

Bob Sarantis said he does not see it as a hardship, and he is opposed to approving a patio. He said that chairs can be put on the existing lawn.

Carolyn O'Leary discussed elevation of the property and questioned whether or not there was any room for mitigation. Discussion of previous requests for patios on a coastal bank in the 0-50' buffer followed.

Amy Usowski explained that the aim of the Commission is to limit human impact on a resource.

Brad Chase said that if there were six inch spaces between pavers to create a pervious patio in exchange for taking out the lawn and irrigation system, he felt the HCC could consider such a solution. Discussion of 50-100' buffer which is an existing driveway.

Mr. Osev asked if the Commission would view removal of the existing irrigation system as mitigation.

Ernie Crabtree said he felt that giving up lawn and irrigation was a positive proposal.

Brad Chase said that reducing fertilizer use was a positive.

Bob Sarantis said he would like to see a plan for the rest of the yard.

Mr. Osev said he suggested pervious material for roof run off.

**Motion made by Bob Sarantis to continue 45 Snow Inn Road to June 15 for a new planting plan including a pervious patio; removing irrigation and need for fertilizer for a lawn. Seconded by John Rossetti. Vote: 5-0-0.**

**NOTICE OF INTENT - Continued from 5-11-2016**

**7:10 Christine Freeman, 19 Nons Road, Map 6, Parcel C1-12 - Construct a path with an at-grade walkway, steps, pier, ramp and float extending into the water 57' from MHW.**

Presenters: Mark Burgess, Shorefront Consulting; Pam Neubert, Stamtec, and applicant, Paul Freeman in the audience.

Mr. Burgess explained the plan for the wood path (Rev. 4 Plan). He also explained the following:

- Mitigation - 30 bushels of shellfish per year for 3 yrs. (represents approx. \$2,000 per yr.) which is the standard requirement for HCC. Shellfish mitigation will be coordinated with Heinz Proft, Natural Resources Director. Mr. Proft can use the shellfish as he sees fit.
- Division of Marine Fisheries had zero comment.
- Request for Variance is an overwhelming benefit. Ms. Usowski explained mitigation for overall benefit.
- Mr. Freeman is asking for a 4' wide walk, which is within the Regulation limits.
- Water Ways Committee (WWC) recommends northern option (may condition depth of boat to 2.5').

Carolyn O'Leary asked why it is not a structure in a resource. Answer: It is a water dependent structure. Amy Usowski clarified the By Law. She said that HCC has jurisdiction of the walk. Ref. - Harwich Town Conservation Regulations: 1.03 pg. 19 (7 & 8).

Ms. Neubert explained her findings regarding shellfish and how dredging enhances shellfish. She is in favor of mixed species of shellfish for mitigation (not necessarily all at the client's site).

Mr. Burgess stated that the marsh is protected with the current plan as kayak storage will be provided and, it will not be necessary to move it over the marsh.

Brad Chase said he feels that structures in the water have a "cumulative" impact by scouring. He disagrees with Mr. Burgess on that point. Mr. Chase also inquired regarding seasonal storage. Mr. Burgess stated that all seasonal storage will be off site.

Carolyn O'Leary inquired regarding any concerns that the Harbor Master may have. Mr. Burgess said that the Harbor Master, John Rendon, WWC Chairman, Matt Hart, and Natural Resources Director, Heinz Proft do not have any concerns regarding the project.

Mr. Chase said that he thinks the area might be a habitat for oysters, but he is not sure regarding quahogs.

Mr. Chase addressed the issue of the path. Mr. Burgess said that allowing for permanent markers would maintain the location of the path. Ms. Usowski said that foot traffic will take care of the path (one time annual moving for the first year or two - will not be needed after that). Mr. Chase asked regarding 2.5' clearing. There may be a need for a By Law change for 3'. The 2.5' meets requirements all the way around in this instance.

**Motion made by Bob Sarantis to accept the project at 19 Nons Road with conditioning of the path and how it is to be maintained; shell fish mitigation for three years; storage off season; and the construction barge only condition of Chapter 91. Seconded by Ernie Crabtree. Vote: 5-0-0.**

**NOTICE OF INTENT (continued from 5-11-2016)**

**7:52 Craig & Terrie Borden, 424 Pleasant Lake Avenue, Map 91, Parcel J3-4** - Construction of a single family dwelling adjacent to the 100' buffer zone to the inland bank along Hinckleys Pond. The only activity in the 100' buffer zone is the grading associated with the home construction and a patio area.

**Motion made by Bob Sarantis to continue 424 Pleasant Lake Avenue to June 15, 2016. Seconded by Ernie Crabtree. Vote: 5-0-0.**

**NOTICE OF INTENT (continued from 5-11-2016)**

**8:52 Craig & Terrie Borden, 424 Pleasant Lake Avenue, Map 91, Parcel J3-4** - Proposal to install & maintain a seasonal dock into the waters of Hinckleys Pond. Proposal also includes the reconstruction of an existing small boathouse at the edge of the pond.

**Motion made by Bob Sarantis to continue 424 Lake Pleasant Avenue to June 15, 2016. Seconded by Ernie Crabtree. Vote: 5-0-0.**

**SHOW CAUSE HEARING -**

**7:53 Jeffrey King & James Kelly Co-owners 30-34 Lothrop Avenue** - porch and addition to one of the dwellings within the 50' Buffer Zone without a permit and disturbance to an area protected by Massachusetts WPA.

Presenters: Arthur Lafrancise and Andrea (Surname unknown). Both friends of Mr. Jeffrey King.

Amy Usowski explained the citation issued by HCC for the deck in the 50' No Disturb Zone. She related discussions she has had with Mr. King and the fines imposed under the By Laws. She said that the HCC would not have considered a variance for the structure.

Mr. Lafrancise said that the roof leaked and caused the necessity for a new roof and that the deck and porch were added without a permit. Mr. Lafrancise said he spoke with David Spitz, Building Administrator and Mr. Spitz told him he wanted a site plan. Mr. King has hired a designer for a site plan and the preliminary plan is done.

Ms. Usowski said that the HCC needs a site plan, but not a building plan. She said that she appreciates what Mr. King is trying to do environmentally, but that the HCC cannot ignore the violation. She said she would speak with David Spitz regarding the building permit timing and the "after the fact" necessity.

John Rossetti asked when the porch and deck were put on. Answer: Probably last fall, not sure regarding time.

Lynne Hamylin from the audience inquired regarding the wetland delineation. Amy Usowski said that a current site plan is needed, not one from 1992.

**Motion made by Bob Sarantis to continue 30/34 Lathrop Avenue to June 15, 2016. Seconded by Ernie Crabtree. Vote: 5-0-0.**

### DISCUSSION

**8:10 65 Squattom Road - erosion issue at base of slope of vinyl bulkhead.**

Presenter: Mark Burgess, Shorefront Consulting

Mr. Burgess discussed the problem and offered the following options:

- One cubic yard of sand
- Over wash bulkhead
- If present condition continues, it will de-stabilize the fiber rolls
- What can be done in short/long term

Discussion for filing for an amendment for sand (one cubic yard). Amy Usowski recommends waiting "to see what happens" in the fall.

Brad Chase said he is concerned about putting sand in over the next three weeks due to spawning.

Ms. Usowski will handle administratively with permission from the HCC.

### CERTIFICATE OF COMPLIANCE

**8:22 Francis J. Jr. and Mary Beth Veale, 93 Riverside Drive, Map 3, Parcel X1-2 SE32-2131 - Install, license and maintain a seasonal walkway, pier, ramp and float on Herring River. Install 48' of wood post and rail fence along lot line.**

**Motion made by Bob Sarantis to approve the Certificate of Compliance for 93 Riverside Drive. Seconded by John Rossetti. Vote: 5-0-0.**

## DISCUSSION

**8:24 Rocco Orsini, 56 Purmackene Lane, SE 32-1389**

Presenter: Lynne Hamlyn, Hamlyn Consulting

Ms. Hamlyn, explained that in 1999 the HCC permitted a new home to be built in the buffer zone to an old bog. The house was to be situated in what was then just a "wet spot" and not a regulated wetland, as back then a wetland had to be at least 5,000 sq. ft. in size to be regulated. The wetland is 4,100 sq. ft. Mr. Orsini never built the home, but wanted to last year. He thought he kept his permit open as he got extension permits under the Wetlands Protection Act. Ms. Usowski's predecessor never told him he needed to do so under the local By Law as well. So now, the Town regulated wetland size as of May 2014 is 3,000 sq. ft. which means his proposed home would be in a wetland according to Town By Law. He has no active permit under the Town By Law. Ms. Hamlyn also discussed the following as it relates to the case:

- Old cranberry bog
- No unique habitat
- Asking for variance options (not a vernal pool; artificial wetland)
- Preserve as much as possible of the wetland
- Septic lock in
- Mr. Orsini would like to preserve the site for his daughter, but wants to know where HCC stands.

Amy Usowski said she recommends hiring a consultant to make recommendations for alternative analysis.

Discussion of filing a Notice of Intent (not active under By Law, needs a variance). State still has 5,000 sq. ft. threshold, there is no issue with the state.

Ms. Usowski said that Conservation Funds could be used for the consultant.

## ORDERS OF CONDITION

**8:41 Ann & Colman Walsh, 3 Littlefield Pond Road, Map 77, Parcel C2-A** - Construction of a single family dwelling with septic, driveway, pool with patio, and a retaining wall.

**Motion made by Bob Sarantis to approve the Orders of Condition for 3 Littlefield Pond Road with the addition of #12 No mulch (native grasses only in the vegetated buffer strip). Seconded by Ernie Crabtree. Vote: 5-0-0.**

## ORDERS OF CONDITION

**8:46 Alfred & Eileen Weaver, 23 Wequasset Road, Map 5, Parcel K1-42** - Grading and mitigation for garden and swing set areas in buffer zone.

**Motion made by Bob Sarantis to approve the Orders of Condition for 23 Wequasset Road with the addition of #10 Requiring walkway to be raised. Seconded by Ernie Crabtree. Vote: 5-0-0.**

## ORDERS OF CONDITION

**8:50 Richard & Janet Kaiser, 4 Springtide Lane, Map 38, Parcel A1-7** - Land management activities.

Motion made by Bob Sarantis to approve the Orders of Condition for 4 Springtide Lane. Seconded by Ernie Crabtree. Vote: 5-0-0.

MINUTES April 6, 2016 and April 20, 2016

8:55 Motion made by Bob Sarantis to approve the Minutes of April 6, 2016. Seconded by Ernie Crabtree. Vote: 5-0-0.

8:58 Motion made by Bob Sarantis to approve the Minutes of April 20, 2016. Seconded by Ernie Crabtree. Vote: 5-0-0.

ORDERS OF CONDITION

9:00 Peter & Valerie McNeely, 12 Mill Road, Map 8, Parcel T4 - After-the-fact filing for invasive plant removal and replanting of vegetation for management and maintenance of vista.

Motion made by Bob Sarantis to approve the Orders of Condition for 12 Mill Road. Seconded by Ernie Crabtree. Vote: 5-0-0.

REQUEST FOR PERMISSION

9:08 NEBASSIN, a small bass tournament company - Requests permission to have up to 15 kayaks (no gas motors) on West Reservoir Pond to hold a tournament on July 9<sup>th</sup> from 6:30 AM to 3:00 PM.

Discussion regarding parking concerns and transport of kayaks.

Motion made by Bob Sarantis to grant permission to NEBASSIN to hold a small bass tournament at West Reservoir Pond on July 9, 2016 (rain date July 10, 2016) with the provision that parking be allowed only on Sand Pond Recreation area. No parking on Bells Neck Road. Seconded by John Rossetti. Vote: 5-0-0.

DISCUSSION

9:15 Handler, 13 Moss Hill Road - Discussion regarding whether or not making an existing deck into a sunroom will require an Administrative Review or Request for Determination of Applicability.

Decision of HCC - Amy Usowski to handle administratively.

MOTION TO ADJOURN

9:26 Motion made by Brad Chase to adjourn. Seconded by John Rossetti. All in Favor.

Minutes transcribed by Marie Hickey, Board Secretary

*WW D. J. G.  
6-15-16*

SIGN IN SHEET

**Donn B. Griffin Room  
May 25, 2016**

**Swavi Osev**

**Mark Burgess**

**Shorefront Consulting**

**Pam Neubert**

**Stantec**

**Paul Freeman**

**Rocco Orsini**

**56 Purmakene Lane**

**Deborah Beale**

**411 Pleasant Lake Ave.**

**Lynne Hamlyn**

**Hamlyn Consulting**