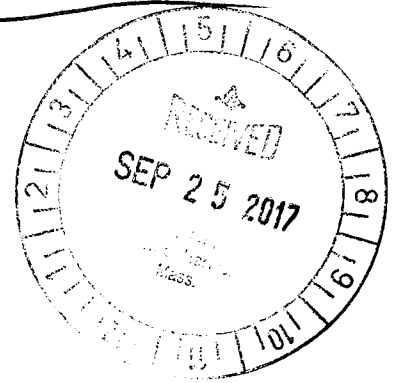


Ryf

HARWICH CONSERVATION COMMISSION
HARWICH TOWN HALL
732 Main Street
DONN B. GRIFFIN ROOM
Harwich, MA 02645
JULY 5, 2017
6:30 PM
MINUTES



PRESENT: Brad Chase, Carolyn O'Leary, Ernie Crabtree; Rob Mador, Paula McGuire, and Amy Usowski, Conservation Administrator.

ABSENT: None

CALL TO ORDER
6:30 PM by Brad Chase

The Following Items May be Voted Upon:

Presentation and Discussion of Draft Guidelines for Managing Erosion in Pleasant Bay presented by the Pleasant Bay Alliance.

Presenter: Carol Ridley, Coordinator-Pleasant Bay Alliance
Documents: Draft – Packet- Guidelines for Managing Erosion in Pleasant Bay

Discussion:

- How to use the Guidelines
- Natural Coastal Erosion Processes
- Alternative Approaches to Managing Coastal Erosion
- Design Guidance for Erosion Management Measures
- Soft Approaches
- Hard Approaches
- Brad Chase asked for a time line to finalize this project?

Comments:

- Carol Ridley is looking for comments from the Conservation Board by August 2017
Then she will have a completed fresh document by September 2017.
- Amy Usowski recommends the Conservation Board have comments to her by July 30, 2017 and then she will forward the information to Carol Ridley and Nicole Smith.
- Brad Chase states it would service the Board well and looks forward to reviewing the information.

Continuation of Show-Cause hearing for 35 Chatham Rd – to discuss proposed mitigation planting plan for area disturbed within the buffer zone to the wetland.

- Amy Usowski asked if anyone was present for this hearing.
- No one was present to represent 35 Chatham Road.

Discussion:

- Amy Usowski discusses the planting plan for restoration which was received by our office on May 22, 2017. It will be a year in August since 50-100' buffer zone had been illegally cleared.
Mr. Viprino fines have not been paid to date.
Amy Usowski recommends that all animal fencing, animals and bins from within the 100'

Buffer zone be removed by August 1, 2017. Also, have Mr. Viprino replant 6 oak and or white pine trees by September 30, 2017 in the 50' No Disturb Zone.

- Ernie Crabtree states the Planting Plan for Restoration that was submitted was not sufficient and should be rejected.
- Rob Mador asked what to do when they do not show up for meetings, the enforcement order and the unpaid fines? **Amy Usowski will check with the Town Clerk and the Police to see what can be done about the nonpayment of his fines.**
- Amy Usowski states she has an open dialogue with Mr. Viprino.
- Rob Mador asked how we are monitoring the site. **Amy Usowski states she visits the site bi-weekly and said the erosion control was installed**

Motion made by Ernie Crabtree to reject the planting plan submitted at 35 Chatham Road and also direct Amy Usowski to implement an enforcement order for the files and the work that has not been done for the directions the Commission has provided in past meetings. Seconded by Rob Mador. Paula McGuire Abstained. Vote: 4-0-1

Requests for Determination of Applicability:

Aquacultural Research Corp, 11 Harbor Way, Map 1, Parcel H3, Proposed installation of a land based upweller operation within existing building, (Continued from June 7, 2017).

- Brad Chase states Applicant requested to postpone this hearing until July 19, 2017.

**Motion made by Rob Mador for a continuance until July 19, 2017. Seconded by Ernie Crabtree
Vote: 5-0-0**

Notices of Intent:

Town of Harwich, Along Nantucket Sound, Herring River, Round Cove, Allen, Wychmere & Saquatucket: The Town of Harwich is seeking to combine permits for various dredge and disposal sites within the Town in order to create a comprehensive town wide dredge and disposal permit. Included is the re-permitting of Round Cove maintenance dredging and the addition of a small amount of improvement dredging inside Wychmere Harbor (continued from June 7, 2017)

- Amy Usowski states until we receive a letter from natural heritage and endangered species the commission can't vote on this project or close the hearing.

Motion made by Rob Mador for a continuance until August 16, 2017. Seconded by Ernie Crabtree. Vote: 5-0-0

Town of Harwich, 715 & 731 Route 28, Map15, Parcel 15-T3-0 and 15-H4-0: Improvements to the landside of Saquatucket Harbor, New Garage, Harbormaster Building, Snack Shack, board walk, septic system and other site improvements.

Presenters: John Rendon- Harbormaster
Dan Croteau- Moran Engineering
Tim Sawyer- Brown Lindquist Fenuccio & Raber Architects, Inc.

Documents: "Proposed Site Plan" Plan Date: 3/28/17 – Town of Harwich Engineering Department
"Proposed Architectural Site Plan" Plan Date: 5/23/17 – Brown Lindquist Fenuccio & Raber
"Proposed Landscape Plan" Plan Date: 5/23/17- Brown Lindquist Fenuccio & Raber
"Proposed Septic Site Plan" Plan Date: 3/30/17- Revised 8/25/17 Moran Engineering

Discussion:

- New Title V compliant septic system.
- New buildings – New Harbormaster office, construction of a snack shack.
- Addition of greenspace.
- Creation of ADA access to the harbor facilities by installing boardwalks/decks.
- Creation of new parking areas, artisan shacks and ticket booths for commercial boats.
- Construction of a new garage for boat/harbor item storage and work.
- Improved drainage on the Downey property and increase in buffer zone to brackish wetland that is between the two properties.

Motion made by Ernie Crabtree approve the plan that is presented without closing the hearing with the following provisions that there be a 25 foot buffer zone created between the eastern side of the proposed garage building and the western side of the existing drainage easement of the berm. Creation of expanded vegetated buffer between the southern edge of the Downey property parking area and the existing wetland and issuance of a handicap variance for a ADA walkway. Seconded by Rob Mador Vote5-0-0

William Walton, Trustee, 17 Old Wharf Road, Map 16, and Parcel X 5-A: Remove existing 4 bedroom dwelling and Construct new 4 bedroom dwelling. A section of the property and proposed structure are within the 100 yr flood plain. The proposed structure will be flood zone compliant.

Presenters: Dan Croteau – Moran Engineering
Rich Delory – McPhee Associates

Documents: “Proposed Site Plan” Plan Date: 6/16/17- Moran Engineering
“Proposed Dwelling Plan” – Plan Date: 5-9-17 McPhee Associates

Discussion:

- Amy Usowski recommends this project.
- New Dwelling and New Title V compliant septic system to be installed.

Motion was made Ernie Crabtree to approve the Notice of Intent for 17 Old Wharf Road. Seconded by Rob Mador Vote: 5-0-0.

Francis P. and Debra Zarette, Trustees, 11 Harbor Way, Map 1 Parcel H3-0: After-the-fact filing for emergency structural support and site improvements.

Presenters: Don Munroe – Coastal Engineering

Documents: “Proposed Site Plan” Plan Date: 6/19/17and slide show presentation.

Discussion:

- Don Monroe reviews the project with a slide show of before and after work.
- Amy Usowski states it was an emergency situation due to recent weather events and several pilings were no longer connected and had fallen in.
- The Conservation Commission is able to issue on Emergency Certification for the purposes of public health and safety.
- Only the minimum amount of work necessary to abate the emergency situation was allowed. Mr. Zarette’s structural engineer stated that the installation of 8 new pilings (4 on the north & 4 on the south) and a couple of steel beams underneath was needed to stabilize the structure for the time being.

- 10 new large piles instead of 8 were installed, replaced loading dock flooring, constructed a 3-4' wide raised walkway (deck) around parts of the structure and installation of a water line. The engineer thought he had authorization to make field changes under the Emergency Certification. He did not.
- Work was done not only without proper approval from the Conservation Commission, but also without proper approval from DEP and DEP's Chapter 91 Program, as well as without a 401 Water Quality Certification or Army Corps Permit.
- Amy Usowski states there should be fines for work that wasn't permitted.
- Attorney Dennis McMahon states he is representing some of his neighbors at the Belmont Condominium complex and Mr. Zarette should not have done this "After the Fact" work and he should not be rewarded and he should be fined.
- Amy Usowski would like to discuss more with Counsel so she would not recommend closing the hearing pending all the other issues.
- Daniel Daks also commented on the work that was done without a permit.
- Attorney Glenn Wood (Mr. Zarette's Counsel) discusses the "After the Fact" work.

Motion was made by Paula McGuire for a continuance until July 19, 2017 for 11 Harbor Way After-the-Fact permit. Seconded by Ernie Crabtree. Vote: 5-0-0

Request for an Extension Permit

Paul Tinsley, Snow Inn Road, Map8, Parcel N-5A (SE32-2168) 2 year extension to construct a Single family home.

- **Motion made by Rob Mador for an Extension Permit for Snow Inn Road. Seconded by Brad Chase. Vote: 5-0-0**

Certificates of Compliance

Robert & Paula Howard, 7 Nons Road. Map 6 Parcel C1-9 (SE32-2168)

- **Motion made by Ernie Crabtree to approve the Certificate of Compliance for 7 Nons Road. Seconded by Rob Mador. Vote: 5-0-0**

Susan Whitney, 8 Ruth Lane, Map 32 Parcel K4-25 (SE32-220)

- **Motion made by Carolyn O'Leary to approve the Certificate of Compliance for 8 Ruth Lane Seconded by Brad Chase. Vote: 5-0-0.**

Ann Fagan, 2059 Route 28, Map 109 Parcel R2 (SE32-2234)

- **Motion made by Ernie Crabtree to approve a partial Certificate of Compliance with the exception of the plantings which are not yet established for 2059 Route 28. Seconded by Carolyn O'Leary. Vote: 5-0-0**

Frank Osborn, 3 Wequassett Road, Map 5 Parcel K1-36B (SE32-2206)

- **Motion made by Ernie Crabtree to sign the Certificate of Compliance for 3 Wequassett Road. Seconded by Rob Mador. Vote: 5-0-0**

Request for an Extension Permit

Paul Tinsley, Snow Inn Road, Map 8, Parcel N-5A (SE32-2168) 2 year extension to construct a Single family home.

- **Motion made by Rob Mador for a 2 year extension to construct a Single family home at Snow Inn Road. Seconded by Brad Chase. Vote: 5-0-0**

Orders of Conditions:

Cranberry Valley Golf Course, 183 Oak Street, SE 32-2295

Still waiting on approval from NHESP -Continued until July 19, 2017 meeting.

Rocco R. Orsini, 56 Purmackene Lane, Map 24 Parcel H17

- **Motion made by Brad Chase to approve the Order of Conditions of 56 Purmackene Lane. Seconded by Rob Mador. Vote: 5-0-0**

Chase Street Properties, 24 Chase Street, Map 4, Parcel N2

- **Motion made by Brad Chase to approve the Order of Conditions of 24 Chase Street. Seconded by Rob Mador Vote: 5-0-0**

Discussion and possible vote

Management of water level at Bells Neck Cranberry Bogs

- Amy Usowski states a local grower inquired with the Selectmen about status of management of the Bells Neck Cranberry Bog.
- Brad Chase suggests he would like to go back to a natural state and not leasing it out again. He also said the last lease was a bad deal for the town.
- Carolyn O'Leary suggests to use CPC funds to do a study on the Bells Neck Cranberry Bog.
- **Amy Usowski states we continue to discuss the Bells Neck Cranberry Bog at a future meeting. No vote.**

ADJOURN

Motion made by Ernie Crabtree to adjourn the regular meeting and go into Executive Session, not to return to regular session. Seconded by Rob Mador. Vote 5-0-0 Roll Call vote to enter Executive session, Brad Chase, Ernie Crabtree, Paula McGuire, Carolyn O'Leary and Brad Chase.

ADOPTED : SEPT. 20, 2017

SIGN IN SHEET
Donn B. Griffin Room

Tim Sawyer
Susan Whitney
James Nordstrom
Carole Ridley
Howard Curtin
Cecile Curtin
Richard Dadely
Rodney Avery
Peter Shankman
Daniel Daks
Don Creteau
Terry Cronin
Robert Carney
Maureen Carney
Dennis McMahan
Beth McMahan
Jerry Perez
John Rendon
Fran Zarette