



TOWN OF

HARWICH

732 Main Street
Harwich, MA 02645

CONSERVATION COMMISSION

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HARWICH CONSERVATION COMMISSION

WEDNESDAY DECEMBER 7, 2016

DONN B. GRIFFIN ROOM
HARWICH TOWN HALL
6:30 PM

MINUTES

PRESENT: Walter Diggs; Brad Chase; John Rossetti; Ernie Crabtree; Carolyn O'Leary;
Conservation Administrator, Amy Usowski, and Assistant Conservation Administrator, Nicki Smith.

ABSENT: Rob Mador

CALL TO ORDER

6:35 PM by Chairman, Walter Diggs

HEARINGS

NOTICES OF INTENT

6:30 **Michael Weinberg, 18 Sound View Road, Map 25, Parcel L1-6** – Construct pool retaining wall, pool decking, fencing, landscaping, mitigation and appurtenances (Continued from 11-16-2016).

Amy Usowski explained that the applicants are pulling things away from the 50' buffer little by little. There is a reduction of hardscape and more mitigation. With the above changes, she recommends approval. The applicants are not present this evening. This is the fourth hearing. Vote taken.

Motion made by Brad Chase to approve the project at 18 Sound View Road based on the November 17, 2016 plan. Seconded by Carolyn O'Leary. Vote: 5-0-0.

6:40 **J & L Realty Trust/Joseph L. Hooley Trustee, 22 Wah Wah Taysee Road, Map 6, Parcel F1-1** – Proposed excavation of an existing deck, installation of a patio, boardwalk and kayak rack and mitigation plantings/invasive species removal. Work will take place in the 50' and 100' buffer to a coastal bank and on land subject to storm flowage (Continued from 11-16-2016).

Motion made by Ernie Crabtree to continue 22 Wah Wah Taysee Road to January 4, 2016. Seconded by Brad Chase. Vote: 5-0-0.

6:42 Harbor Road LLC, 13 Harbor Road, Map 8, Parcel S31 - Proposed landscaping improvements and invasive species removal.

Presenters: Sean M. Riley, Coastal Engineering Co., and Jen Crawford, Jenick Studio.

Ms. Crawford explained the plan for removing the invasives and the list of approve native planting to replace the invasives. She discussed the method to be used for removal and proposed management activity and timeline for maintenance of the landscape which is on a coastal bank.

Mr. Riley discussed the plan for a rollout boardwalk to be used seasonally and rolled up and stored off season.

Amy Usowski described the topography in the flood zone. She said the dunes are of primary concern and not the coast zone. She agrees with the time line and plantings proposed. With removal of the formal pathway and proposed plan and mitigation she recommends approval of the project.

Ernie Crabtree addressed the other neighborhood walkway easement. Answer: The walkway has been there for many years (it is an elevated walkway above the dune on piles and is a year round structure). Mr. Crabtree said that the HCC inclination was not to approve walkways thru dunes.

John Rossetti asked if there were any practical way to connect the proposed walkway to the neighboring permanent walkway. Answer: It could be done.

Brad Chase said that he is not in favor of a new structure (walkway). He is okay with the other variances.

Motion made by Brad Chase to approve the granting of variances to the By Law in the 50' buffer for retaining wall; shell driveway using pervious material; and proposed mitigation for 13 Harbor Road. The rollout walkway is excluded from the variance approval. Seconded by Carolyn O'Leary. Vote 5-0-0.

AMENDED ORDER OF CONDITONS

7:00 Pleasant Bay Community Boating, 2287 Route 28/Head of the Bay Road (SE 32-2203) - Landscape and access improvements.

Presenter: Charlie Sumner

Mr. Sumner explained the school project which involves Orleans, Harwich and Brewster (handicap walkway). Brewster has approved their portion of the project. The project involves removing a pathway in the 50' buffer and replacing it with one outside the 50' buffer.

Amy Usowski noted several small changes: replacement of patio in same location and replacement of walls would help with runoff. She suggested the master plan for landscaping include removal of the Black Locust trees and replaced with native plantings. She also said that she recommends replacing the wood chip path with Blue Stone or a like alternative which would be contained. She recommends granting the variance as it is the least invasive.

Chairman Walter Diggs asked Mr. Sumner to explain the Pleasant Bay Community Boat Club for the benefit of the TV audience. Mr. Sumner explained that the Pleasant Bay Community Boat Club is a boating club for all ages. Ms. O'Leary commented that it is a good community project.

Motion made by Carolyn O'Leary to approve the project for 2287 Route 28 Head of the Bay Road as presented. Seconded by John Rossetti. Vote: 5-0-0.

In the interest of saving time at the next HCC meeting, Ms. Usowski prepared an Amended Order of Conditions which address the above changes.

Motion made by Ernie Crabtree to approve the Amended Order of Conditions for 2287 Route 28 Head of the Bay Road. Seconded by Brad Chase. Vote: 5-0-0.

7:15 Steven Szafran, 177 Forest Street, Map 31, Parcel C2 (SE 32-2247) - Installation of a new full foundation under the entire house. Previous approval was for a new foundation under only part of the house.

Presenter: Mr. Steven Szafran

Mr. Szafran explained the plan and need for the new foundation.

Amy Usowski inquired regarding the demo location specifically. She said she recommends approval in accordance with the By Law. She also asked for regular (monthly by e-mail to her) progress reports of the cleanup.

Discussion of time line for project progress.

Carolyn inquired regarding progress of clean up. Ms. Usowski said that the barrels are gone and cleanup is in progress.

Brad Chase addressed the issue of work limit. Ms. Usowki explained various limits and she will stay in touch with the applicant.

Motion made by Brad Chase to approve the Amended Order of Conditions (plan change) for 177 Forest Street. Seconded by Ernie Crabtree. Vote: 5-0-0.

SHOW CAUSE HEARING

7:27 Resilient Family Farms/Barry Viprino, 35 Chatham Road, 35 Chatham Road (Continued from 11-16-2016)

Motion made by Ernie Crabtree to continue the Show Cause Hearing for 35 Chatham Road to December 21, 2016. Seconded by Carolyn O'Leary. Vote: 5-0-0.

ORDER OF CONDITIONS

7:39 Andrew B. & Michelle Olson, 20 Sequattom Road, Map 101 Parcel R2 - Proposed seasonal dock.

Motion made by Ernie Crabtree to approve the Order Of Conditions for 20 Sequattom Road with decking to be made of wood and with aluminum framed dock. Seconded by John Rossetti. Vote: 5-0-0.

7:41 Commonwealth of Massachusetts c/o Massachusetts Division of Waterways, Allen's Harbor Inlet (Oyster Creek), Map 5 & 6 - Maintenance dredging of 670' +/- of the Oyster Creek Navigation Channel.

Regarding Oyster Creek: Question of validity of notification to abutters

Changes to Order of Conditions:

- Add silt boom
- Post dredge survey within 30 days
- Report 1 to 2 years after to show edge of marsh condition

Motion made by Brad Chase to approve the Order of Conditions for Commonwealth of Massachusetts (Allen Harbor Inlet/Oyster Creek) as written with changes and the addition of #1 Special Conditions. Seconded by Carolyn O'Leary. Vote: 4-0-1.

MINUTES - Work in progress

DISCUSSION

- **Herrema, 148 Long Pond Drive - Discussion regarding allowing irrigation in the 50'-100' buffer.**

Presenter: Theresa Sprague - Blue Flax Design

Ms. Sprague explained the project and request the allowance of irrigation in the 50'-100' buffer with no fertilizer.

Discussion of proximity to 50' zone. Exposure to winds make survival of plantings difficult. They are requesting allowance of irrigation in 75'-100' buffer.

Brad Chase said he would like the HCC to make a site visit and a formal Change in Plan Request be made for consideration by the HCC.

Carolyn O'Leary stressed that the choice of plantings is important in the mitigation planning.

- **Approval of summer event permit for West Reservoir**

Request for approval of summer event (July) for Sport Fishing Group. Same as last year - 15 vessels - private club.

Discussion of alternatives if more applicants request use of property. Property is under the care and custody of the HCC. Amy Usowski will check with Park and Rec. regarding policy.

Motion made by Brad Chase to approve the request of the Sport Fishing Group. Seconded by Ernie Crabtree. Vote 5-0-0.

- **113 Riverside Drive - Discussion regarding elevated walkway**

Skipper Lee asked Amy Usowski to visit the site. Walkway (wooden raised) does not have permit for maintenance. Piles not driven down appropriately. He wants to do the same footprint, but do it correctly.

Amy Usowski recommends a new hearing regarding all the pilings be the same height and not some stubs.

Full pilings need formal request and plans presented per HCC.

- **23 Wequassett - extension of boardwalk landward**

Boardwalk issue of “up” and “down”, need to adjust to level boardwalk above ground (technically a new structure in the 50’ buffer). Extend 6’ to 8’ level.

Discussion – Consensus of HCC: Applicant needs to file with HCC for an amendment; HCC needs to do a site visit.

- Discussion – Brad Chase said that there is an issue of floats being left on the marsh and tidal flats at Wychmere Harbor, in particular at the corner of Route 28 and Harbor Rd. He would like a letter written to the offender ordering removal and a fine issued.

Discussion of an ongoing issue on hills and marsh grass in other areas of Harwich as well. Letter should go to property owner and contractor (if known). Discussion of Regulation change. Send warning then fine.

Discussion of communication of the above via newspaper and Topic for Discussion on Channel 18.

Motion made by Brad Chase that Amy Usowki draft a letter to the offender discussed above. Seconded by Walter Diggs. Vote: 5-0-0.

- **Discussion** - Walter Diggs introduced discussion regarding Great Ponds in Massachusetts larger than 10 acres. Discussion regarding hunting around the ponds. Question of state or town jurisdiction, plus privately owned property around ponds.

ADJORN

Motion made by Ernie Crabtree to adjourn at 8:30 PM. Seconded by Walter Diggs. All in favor.

Minutes transcribed by Board Secretary, Marie Hickey

**SIGN IN SHEET
Small Hearing Room /Donn B. Griffin Room
December 7, 2016**

**Steve Szafran
Sean Riley
Jen Crawford
Nick Crawford**

