



TOWN OF

HARWICH

732 Main Street
Harwich, MA 02645

CONSERVATION COMMISSION

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HARWICH CONSERVATION COMMISSION

WEDNESDAY JANUARY 4, 2017

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

MINUTES

Walter Diggs
1-18-17

PRESENT: Walter Diggs; Brad Chase; John Rossetti; Ernie Crabtree; Rob Mador, and Conservation Administrator, Amy Usowski

ABSENT: Carolyn O'Leary

CALL TO ORDER

6:31 PM by Chairman, Walter Diggs

HEARINGS

REQUEST FOR DETERMINATION OF APPLICABILITY

6:31 Poonpit Realty Trust, 14 Saquatucket Point, Map 8, Parcel G1-10 - Replace existing failing brick retaining walls and steps with new stone walls and steps and to replace existing brick walkways with new stone walkways.

Presenter: Michael J. Takach

Mr. Takach explained that the applicants want to replace things that are currently in disrepair. Amy Usowski said the project is primarily to replace stone walls in the area that is failing. She recommends approval with a Negative Determination #3 and #6 with limit of work conditioned.

Rob Mador inquired whether the stone walls were wet or dry. Answer: Wet.

Ernie Crabtree addressed the number of stone walls in the plan. Answer Two Walls and the elimination of the existing 3rd tier.

Brad Chase asked for clarification of the wall placement and asked regarding water retention in the area.

Motion made by Ernie Crabtree to approve the project for 14 Saquatucket Point with Negative Determination #3, and #6. Seconded by Rob Mador. Vote: 5-0-0.

NOTICE OF INENT

6:39 J. & L. Realty Trust/Joseph L. Hooley, Trustee, 22 Wah Wah Taysee Road, Map 6, Parcel F10 - 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 the 100' buffer to a coastal bank, on a coastal bank and on land subject to coastal storm flowage (continued from 12-7-16 (SE 32-2282).

Presenters: David Lyttle - Ryder & Wilcox, Inc. and Caitrin Higgins - Wilkinson Ecological Design

The presenters explained the changes made to the plan as discussed at the last meeting following some of the suggestions made by Amy Usowski. The revised plan takes all proposed hardscape, with the exception of proposed steppers with gate right at the 50' buffer zone line on the south side of the property and a kayak rack near the edge of the marsh out of the wetland and 50' buffer.

They are still proposing invasive plant removal and replanting with native species, and have decreased the number of trees that they originally wanted to remove. Currently there is an informal stone path out to the flagpole, and they proposed to remove the stones and just let it be a path in sand.

Amy Usowski thanked the applicants for eliminating the hardscape and following the suggestions of the HCC. On the north side near the flag pole replace the stone is advisable and she thanks them for the new kayak rack which is a few inches above the current level. She recommends biannual monitoring for 3 years.

Ernie Crabtree said the new revised plan was outstanding. He addressed the issue of a planter. Answer: the planter will be removed. He also addressed the ground cover replicating others used in the area.

John Rossetti addressed the invasives to be removed (bittersweet). Answer: along edge of property and maybe along neighboring property. Mr. Rossetti questioned if the invasives will return. Amy Usowski said she would condition to include the abutter regarding the invasives.

Brad Chase said he is seeing a trade off in the 50' to 100'.

Rob Mador asked if the kayak storage was seasonal. Answer: No. Mr. Mador also asked what the flag pole path would be replaced with when the stones are removed. Answer: Grass.

Motion made by Ernie Crabtree to approve the project at 22 Wah Wah Taysee Road as presented. Seconded by Brad Chase. Vote: 5-0-0.

NOTICE OF INTENT

6:54 David & Ocean Silver, 8 Lonesomes Way, Map 49 Parcel P1 - Addition to existing house.

Presenters: Applicants David and Ocean Silver

Discussed plans to add a 38' addition to their "Dome Home" outside the current slider in order to add a bedroom to the house. It is a slab foundation. They would need to remove some trees. They noted that the area has never been wet.

Amy Usowski said that the grade is essentially the same; 76' closest point to the wetland; Cape Cod lawn; mitigation – already natural (no need for additional mitigation). She said that they will need a limit of work area in the plan and that it can be conditioned at the 76' mark (6 to 8 foot silt fence).

Brad Chase asked regarding the area being a bog or not as he had not been to the site. Answer: Not formally a bog.

Motion made by Ernie Crabtree to approve the plan for 8 Lonesomes Way with the condition that the plan shows the limits of work to be provided to Amy Usowski. Seconded Rob Mador. Vote: 5-0-0.

NOTICE OF INTENT

7:07 Catherine Rose Road Homeowners Association /Stanley Selkow, 480 Pleasant Lake Avenue, Map 100 Parcel W2 – Brush clearing to establish and maintain a path to an already established clearing.

Presenters: Mr. and Mrs. Stanley Selkow

The presenters explained the pathway passes to Hinckleys Pond. They want to clear brush along the path and maintain a path (path exists, but needs maintenance). The neighbors using the path would only have kayaks.

Amy Usowski clarified locations and minimal clearing. She suggested plants along the split rail fence to guide walkers to stay on the path. She said that there is a small pile of brush which should be removed.

Rob Mador asked the height of trim to the canopy. Answer: Six feet.

Walter Diggs inquired regarding winter storage of the kayaks. Answer: Neighbors keep kayaks in their garages. Amy Usowski will condition the winter storage of the kayaks.

Motion made Ernie Crabtree to approve the plan for Catherine Rose Road Homeowners Association. Seconded by Rob Mador. Vote: 5-0-0.

AMENDED ORDER OF CONDITIONS

7:15 Terence & Pamela McDermott, 151 Gorham Road Map 24, Parcel R1-1 (SE32-2276) – Larger addition within the 50'-100' buffer zone than previously approved.

Presenter: Susan B. Ladue, Eastwood Companies

Ms. Ladue presented a revised plan showing the dimensions. The size of the whole addition would now be 507 sf which is 120 sf larger than what the HCC previously approved in the 50'-100' buffer. They have proposed 640 sf of native mitigation planning. Theresa Sprague is to do the mitigation planting.

Amy Usowski asked that any future changes be made with a Notice of Intent. She recommended approval of the project.

Ernie Crabtree asked for a clarification of mitigation placement.

Brad Chase said that the modest increase won't have an impact, but he feels the HCC has to be aware of changes in the 50'-100' buffer.

Motion made by Ernie Crabtree to approve the project for 151 Gorham Road with mitigation. Seconded by Rob Mador. Vote: 5-0-0.

CERTIFICATES OF COMPLIANCE

7:20 20 Shore Drive, Map 78 Parcel C18 (SE 32-968)

Amy Usowski said that this was an "old" Certificate of Compliance and that she recommends approval for the record.

Rob Mador said he questions "old" never sign off cases. He would like incentives to close out such cases. Ms. Usowski said that three year reminders are sent, but can't be fined for not requesting a Certificate of Compliance.

Brad Chase suggests being diligent. Ms. Usowski said that a fine can be imposed if it is found not to be in compliance.

Discussion of alternative available to HCC to encourage compliance to the three year limit. Ms. Usowski said that 15 to 20 Certificates of Compliance expire per year.

Discussion of addition to condition in the Order of Conditions to close out with Certificate of Compliance within 3 years. There are issues regarding seasonal residences; issues of Bylaw changes, and issues of HCC changing over time.

Motion made by Brad Chase to approve the Certificate of Compliance for 20 Shore Drive. Seconded by Rob Mador. Vote: 5-0-0.

7:42 19 Wequassett Road, Map 5, Parcel K1-41 (SE 32-2214)

Amy Usowski said that there are no monitoring reports and asked for the above Certificate of Compliance be continued.

Motion made by Brad Chase to continue the Certificate of Compliance for 19 Wequassett Road. Seconded by Rob Mador. Vote: 5-0-0.

MINUTES

November 16, 2016

Motion made by Brad Chase to approve the Minutes of November 16, 2016 with edits noted. Seconded by Ernie Crabtree. Vote: 5-0-0.

December 7, 2016

Motion made by Brad Chase to approve the Minutes of December 7, 2016 with edits noted. Seconded by Ernie Crabtree. Vote: 5-0-0.

December 21, 2016 - Postponed to next meeting.

DISCUSSION

Update on Bells Neck Bogs

Conservation Administrator Usowski said that she had spoken to a professional cranberry grower in Harwich, Leo Cakounas regarding the best way to manage the bog over the winter to preserve the possibility that we may re-lease it in the future. Mr. Cakounas said that what he typically does is flood his bogs mid to late January, or whenever a big cold-snap is coming. He said not to keep them flooded for more than 30 days at most unfrozen as this releases stored phosphorus from the sediment and contributes to the eutrophication of receiving waters (in this case, the herring river). He did say that if we did not flood the bogs during a freeze this year, it would most likely not do too much additional harm to the vines that has not already been done, as this bog has laid fallow for a year or two in some places and more than that in others. Also, Ms. Usowski told Mr. Cakounas that another grower had said that the HCC has no right to flood the bog and Mr. Cakounas said that is incorrect information. As owners of the bog the HCC have the water rights and the ability to manage the bogs.

Ms. Usowski said that she and Heinz Proft, Natural Resources Administrator will watch the weather, and if a big freeze is predicted, they will flood the bogs so that ice will form and protect the vines.

Rob Mador asked regarding the lead time for flooding the bogs. Answer: Two to three days.

Brad Chase suggested going forward with flooding exercising caution with the approaching herring season at the end of March or April. He said that Heinz Proft is aware of the precaution, but he wants to be proactive in the future.

Discussion of uses for the bog area. Brad Chase wants professional advice on options. Ms. Usowski said that a review of management options is needed and would like to consider public opinion of what the use should be.

DISCUSSION

By law and Regulation Review

Brad Chase requested that the Regulations of other Cape towns be reviewed. He wants to tighten up the language in the Regulations in some specific areas. He wants the ability to say no to fertilizer and irrigation in the 50'-100' buffer zone. He also wants to work on regulation language relative to shellfish habitat and shellfish surveys, and define what "significant shellfish habitat" is.

DISCUSSION

Amy Usowski said that a letter has been sent to the owners of 60 Harbor Road to remove the float from the top of the marsh by February 1, 2017.

ADJOURN

Motion made by Ernie Crabtree to adjourn at 8:20 PM. Seconded by Brad Chase. Vote: 5-0-0.

Minutes respectfully taken and transcribed by Marie Hickey, Board Secretary

SIGN IN SHEET
Donn B. Griffin Room
January 4, 2017

Stan Selkow
Deb Selkow
Andy Ballantine
Susan Ladue
Ocean and David Silver
David Little
Michael J. Takash
Stacia A. Takach
Ben Wollman
Andrew Magee
Mike Picold
Caitrin Higgins