

TOWN OF

HARWICH

732 Main Street
Harwich, MA 02645

CONSERVATION COMMISSION

(508) 430-750-7538 FAX: (508) 430-7531

HARWICH CONSERVATION COMMISSION

WEDNESDAY JANUARY 18, 2017

SMALL CONFERENCE ROOM

HARWICH TOWN HALL

6:30 PM

MINUTES

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

ALSO PRESENT: Lynne Hamlyn and Mr. Rocco Orsini

CALL TO ORDER

6:30 PM by Chairman, Walter Diggs

HEARINGS

REQUEST FOR DETERMINATION OF APPLICABILITY

6:30 Philip (Skip) Fennell, 322 Route 28, Map 12, Parcel H5 - Clear 4' path to allow people to walk through the woods for 2 weeks prior to Halloween.

Presenter: Skip Fennell

Mr. Fennell explained his Halloween project. Discussion of staking the path; removal of understory; maximum 4' wide path; and rope to define the path; lighting (temporary), and permit (good for 3 years).

Carolyn O'Leary asked for a clarification of use in the 0-50' buffer. Amy Usowski stated that there is no difference in a permit issued for residential or commercial use.

John Rossetti said he thinks the project is a positive contribution with the cleaning up of invasives and mitigation.

Walter Diggs asked if the path will be a circular one and how many Halloween "things/props" are planned. Answer: Path is circular and the number of props is to be determined.

Motion made by Brad Chase to approve the temporary permit for a Halloween path for 322 Route 28 with a Negative Determination #3 and #6. Seconded by John Rossetti. Vote: 6-0-0.

ORDER OF CONDITIONS

6:42 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)).

Motion made by Carolyn O'Leary to approve the Order of Conditions for 22 Wah Wah Taysee Road. Seconded by Ernie Crabtree. Vote: 6-0-0.

6:45 David & Ocean Silver, 8 Lonesomes Way, Map 49 Parcel P1 - Addition to existing house. (SE 32-2285)

Motion made by Ernie Crabtree to approve the Order of Conditions for 8 Lonesomes Way. Seconded Brad Chase. Vote: 6-0-0.

6:50 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. (SE32-2284)

Motion made Brad Chase to approve the Order of Conditions for Catherine Rose Road Homeowners Association. Seconded by John Rossetti. Vote: 6-0-0.

AMENDED ORDER OF CONDITIONS

6:55 Terence & Pamela McDermott, 151 Gorham Road Map 24, Parcel R1-1 (SE32-2276) - Larger addition within the 50'-100' buffer zone than previously approved. (Continued from 1-4-2017).

Motion made by Brad Chase to approve the Amended Order of Conditions for 151 Gorham Road with the addition of the "As Built" plan condition. Seconded by Rob Mador. Vote: 6-0-0.

DISCUSSION

Cape Codder Reporter, Susan Varelasa, present for discussion.

6:58 35 Chatham Road Status

Request for Determination of Applicability (RDA) for the aquaponics farm structure due January 30, 2017. Permits for agriculture exemptions still pending. Formal hearing February 15, 2017. Abutters must be notified.

CERTIFICATES OF COMPLIANCE

7:00 PM Beach Breeze Inn, LLC, 169 Route 28, Map 11, Parcel R1-1 (SE 32-2004)

Requested to close out Certificate of Compliance for old hotel property at 161 and 169 Route 28 (now a condominium complex) to record the Certificate of Compliance for the Registry of Deeds.

Motion made by Ernie Crabtree to approve the Certificate of Compliance 169 Route 28. Seconded by Carolyn O'Leary. Vote: 6-0-0.

7:05 James A. Peterson, 429 Route 28, Map 13, Parcel H1-B (SE 32-2229)

Motion made by Ernie Crabtree to approve the Certificate of Compliance for 429 Route 28. Seconded by Carolyn O'Leary. Vote: 6-0-0.

MINUTES

December 21, 2016 Postponed to 2-1-2017

January 4, 2017

Motion made by Brad Chase to approve the Minutes of January 4, 2017 with two edits on page 5. Seconded by Ernie Crabtree. Vote: 5-0-1.

DISCUSSION

7:15 56 Purmackene Road-Site Review Report

Presenter: Lynne Hamlyn - Hamlyn Consulting; also present applicant, Rocco Orsini

The purpose of this discussion is to review the report from Matt Creighton, Professional Wetland Scientist with the BSC Group in Yarmouth.

Ms. Hamlyn discussed her alternative analysis.

Brad Chase stated that he would like to have more information regarding performance standards.

Mr. Orsini stated he has paid over \$20,000 in taxes for the property which is assessed as a "buildable lot".

Discussion regarding that Mr. Orsini now file for a Notice of Intent (NOI). The waiver of filing fees for NOI were discussed. Ernie Crabtree and Rob Mador were in favor and Brad Chase argued the fact that the HCC has not considered the NOI. Mr. Chase feels it is a larger change and there is a need to review the proposal. He said he has been to the site and that a lot of wildlife habitat will be lost. Mr. Crabtree said he sees this as a special consideration. After discussion, Mr. Mador said he now agrees with Mr. Chase and that it is up to the HCC to uphold By law.

John Rossetti said if Mr. Orsini is turned down by HCC and the result is that it is not a "buildable" lot that he feels Mr. Orsini should be reimbursed for back taxes paid for a "buildable" lot. Chairman Diggs stated that the determination regarding reimbursing back taxes is not under the jurisdiction of the HCC. It is up to the Assessors.

Amy Usowski said that she thinks there are options to be considered including: smaller home (further away from the wetland) etc. Discussion of treating this as a "new" project.

UPDATES: Conservation Administrator, Amy Usowski

- Reminder that all Commissioners and Town Employees are required to complete the On-line Conflict of Interest Certification and give it to the Town Clerk.

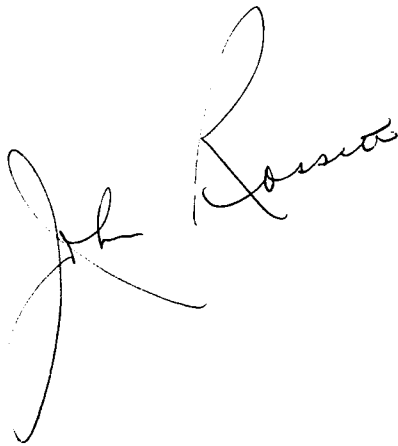
- Last week at Thompson's Field, she and others spent 4 days cutting and burning the land management area.
- MACC Annual Environmental Conference 2017. Registration forms e-mailed to HCC. Workshops scheduled for 1st Saturday in March. HCC pays fees; carpooling encouraged.
- Proposed Joint Meeting of Town Planner, Aly Sabatino and HCC regarding 2017 Revision of the Harwich Open Space and Recreation Plan (Presentation by Ms. Sabatino and Ms. Usowski). Tentative date for open meeting: Thursday, February 23, 2017 at 6:00 PM, Griffin Room, Town Hall.
- Brad Chase addressed the issue of floats on Herring River (2 floats). Ms. Usowski said she sent letter to abutters. Discussion of one warning letter and then issuing a fine.

ADJOURN TO EXECUTIVE SESSION:

Motion made by Ernie Crabtree to adjourn Regular Session at 8:11 PM. Seconded by Brad Chase.
Vote: 6-0-0.

Enter into Executive Session at 8:11 PM by Roll Call Vote, Not to Return to Regular Session: Walter Diggs, Brad Chase; John Rossetti; Ernie Crabtree; Carolyn O'Leary, and Rob Mador.

Minutes respectfully taken and transcribed by Marie Hickey, Board Secretary

A handwritten signature in cursive script, appearing to read "John Rossetti". The signature is written in black ink on a white background.

**SIGN IN SHEET
Donn B. Griffin Room
January 18, 2017**

**Skip Fennell
Susan Varelasa - Cape Codder
Rocco Orsini - 56 Purmackene Road**

