



TOWN OF HARWICH

CONSERVATION COMMISSION
732 Main Street Harwich, MA 02645
508-430-7538 – Fax 508-430-7531

HARWICH CONSERVATION COMMISSION Wednesday, September 21, 2016 Small Hearing Room Harwich Town Hall Minutes

Present: Chairman Walter Diggs, John Rossetti, Carolyn O’Leary, Ernie Crabtree, Rob Mador & Conservation Administrator Amy Usowski.

Not Present: Brad Chase

Others Present: Attorney Paul Revere, Bob Perry, Steve Chandler

6:35-Call to Order by Chairman Walter Diggs

6:35-Notice of Intent (Continuance from 9/7/2016)

15-17 Whipple Street LLC/Frank Sarcia, 602 Queen Anne Road, Map 83 Parcel S2-Site re-development and construction of a single family house within 100’ of a bordering vegetated wetland and inland bank and within riverfront area

Bob Perry from Cape Cod Engineering was present. They have submitted revised plans showing the cleanup access route as well as formally requested a variance from the 50’ buffer and noted that the driveway will either be crushed stone or shell. They have revised the landscape plan and added 2 additional cedar trees to create a small grove of 4 on the southwest side of the lot. There is also an area of proposed grass, which is smaller than originally anticipated. Ms. Usowski recommended approval of the project under the Massachusetts Wetlands Protection Act and Harwich Wetlands Protection Bylaw and the Rivers Act. She suggested having a physical marker of where the 50’ buffer line is on the property.

Steve Chandler was present and asked about what would happen if the fence being used as a marker rotted and the area had to be disturbed for maintenance. Would a boulder be more appropriate for the area as a marker?

Mr. Perry and Ms. Usowski further discussed the 50’ buffer marker. It would be a visual barrier for the property owner to be intermittent 2-3 man stones along 50’ buffer. The edge of the cleared area may be mowed once per year but is not to be part of the landscaped yard; must remain native.

Mr. Crabtree made a motion to approve the Notice of Intent for 602 Queen Anne Road, 15-17 Whipple Street, LLC/Frank Scarcia, with a condition that the 50’ buffer zone be identified with stones, 2nd by Mr. Rossetti and approved 4-0-1 (O’Leary).

Show Cause Hearing (Continuance from 9/7/2016)

Jeffrey Eldredge, 9 Cranberry Trail-Doing work on a parcel of land that does not belong to him, as per Town Assessing Records, within the buffer zone to an isolated vegetated wetland
No one was present on behalf of Mr. Eldredge. They have requested a continuance until October 5, 2016 due to them not having yet met with the Board of Assessors. They will be meeting with the Assessors on October 3, 2016.

Mr. Crabtree made a motion to continue the show cause hearing for Jeffrey Eldredge, 9 Cranberry Trail, until the October 5, 2016 Conservation Commission meeting, 2nd by Mr. Mador and approved 5-0-0.

Certificates of Compliance

Heaney & Small, LLC, 39 Strandway, Map 1 Parcel J-31A (SE32-1938)

Ms. Usowski reported that an as-built has been provided and she has completed her site inspection. The project is in compliance with the plan and she recommended issuance of a Certificate of Compliance with an on-going condition that in the future if water is pumped from the pool, it is to be trucked off the site and disposed of.

Mr. Crabtree made a motion to approve the request for issuance of Certificate of Compliance for 39 Strandway, Heaney & Small, LLC, with the on-going condition that in the future, if water is pumped from the pool, that is be trucked off the site and disposed of, 2nd by Ms. O'Leary and approved 5-0-0.

William D. Stanton Myers, 54 Sugarhill Drive, Map 88 Parcel R48 (SE32-1598)

Ms. Uwsowki stated that this was project for landscape retaining walls. She has visited the site and stated that the project is in compliance and recommended issuance of a Certificate of Compliance.

Mr. Crabtree made a motion to approve the request for issuance of Certificate of Compliance for 54 Sugarhill Drive, William D. Stanton Myers, 2nd by Ms. O'Leary and approved 5-0-0.

Dunes Road Real Estate Trust/Dennis E. Barry, 60 Harbor Road, Map 15 Parcel C2-B1 (SE32-2072)

Ms. Usowski reported that this project was for dredging. She had required an as-built dredge plan, which has not yet been received. She recommended this be continued until October 5, 2016.

Mr. Crabtree made a motion to continue the request for issuance of Certificate of Compliance until the October 5, 2016 meeting, 2nd by Ms. O'Leary and approved 5-0-0.

Ernest & Cathy Elliot, 255 Bay Road, Map 99 Parcel V1-4 (SE32-2213)

Ms. Usowski stated that this was a vista-pruning project done in phases over the past few years. She recommended issuance of Certificate of Compliance with an ongoing condition that they get to maintain the view that currently exists, but not enhance it without an additional filing.

Mr. Crabtree made a motion to approve the request for issuance of Certificate of Compliance for Ernest & Cathy Elliot, 255 Bay Road, with the on-going condition that they get to maintain the view that currently exists, but not enhance it without an additional filing, 2nd by Ms. O'Leary and approved 5-0-0.

Minutes

September 7, 2016

Mr. Crabtree made a motion to approve the minutes of the September 7, 2016 Conservation Commission meeting as printed, 2nd by Mr. Mador and approved 4-0-1 (O'Leary).

Discussion

Sign letter of support for Conservation Restriction approved at 9/7/16 meeting

Ms. Usowski stated that the Conservation Trust has not yet submitted their letter for signature. She recommended continuance until the October 5, 2016 meeting.

Discussion of existing irrigation/fertilization regulation under the Bylaw and comparison to other town's regulations

Mr. Mador reported that the Town of Chatham does not allow fertilization in the 50' buffer, but it is allowed in the 100' buffer. He brought up the use of organic fertilizers and questioned about being able to require a certificate from fertilization companies that they are in compliance on their end to give reassurance to the Town that the regulations are being followed.

Ms. O'Leary said that did she not get a direct answer regarding the Town of Orleans regulations. Ms. Usowski will follow up with John Jannell in Orleans. Mr. Crabtree stated that the Town of Brewster's regulations are the same as Harwich.

Ms. Usowski reviewed the Town of Harwich regulations and the Board further discussed different types of fertilizers.

The Board feels that they need to be able to give more guidance to residents and will visit John Deere in Dennis and Agway for additional education and information. The general consensus is that residents want to do what is right, but the information available is limited and leaves them without enough direction. This will be further discussed at the October 5, 2016 meeting.

Bells Neck Bog RFP

Ms. Usowski is meeting with BSC Group on September 26, 2016 for a site visit to discuss scope of services. They have been used in the past for numerous environmental monitoring reports and recommendations.

2 Mockingbird Lane-Violation

Ms. Usowski stated that on September 12, 2016 she was called out to 2 Mockingbird Lane on the pond for a report of clearing. There are no permits for the work being done on the property. The landscaper had removed 2 supposedly downed trees, 1 that was leaning and dug up some shrubs. The activity was on the banking and in the buffer to the bank. Work was immediately stopped and a silt fence was put up to prevent any runoff as the soils were exposed and it was on a slope to the pond. The exposed area was seeded with a Cape Cod seed mix and covered with straw to help stabilize. Ms. Usowski said that she required them to replant at least 10 native shrubs and informed that landscaper that the Commission may fine them. The landscaper offered to put in 30 native shrubs from the provided list, which would result in a more naturalized bank and less lawn. Ms. Usowski recommended that the Commission enforce restoration rather than a fine.

Mr. Mador feels that the contractor should be fined. They should know the regulations.

Mr. Mador made a motion to authorize the Conservation Administrator to issue a \$300.00 citation to the contractor (Heidi's Landscaping), and \$300.00 citation to the property owner, under the Massachusetts Wetland Protection Act and By-Law, 2nd by Ms. O'Leary and approved 5-0-0.

Ms. Usowski reported that she has issued \$600.00 in citations to Resilient Family Farms at 35 Chatham Road. They were ordered to remove the animals and stockpiled materials out of the 100' buffer zone. She reviewed what they have been asked to do to come into compliance.

Adjourn

Motion to adjourn made by Mr. Crabtree at 7:59 p.m., 2nd by Mr. Mador and approved 5-0-0.

**Minutes taken and transcribed by:
Jennifer Clarke, Executive Administrative Assistant**