

Brad Chase
2/21/18



TOWN OF

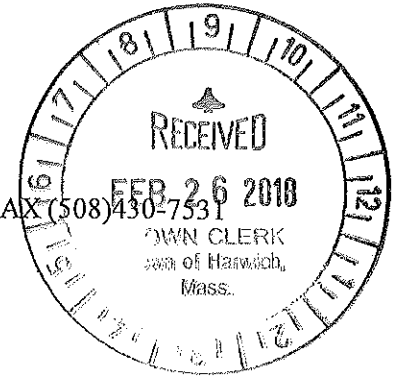
HARWICH

732 Main Street
Harwich, MA 02645

CONSERVATION COMMISSION

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MINUTES

**HARWICH CONSERVATION COMMISSION
WEDNESDAY, DECEMBER 20, 2017
SMALL HEARING ROOM, HARWICH TOWN HALL
6:30 PM**

Present: Brad Chase, Paula McGuire, Ernie Crabtree, Stan Pastuszak and Conservation Administrator Amy Usowski

CALL TO ORDER

By Chairman Brad Chase

HEARINGS

Request for Determination of Applicability

Town of Harwich Department of Public Works, Lower County Road Bridge over Herring River. Repair of bridge. Saw-cutting of road and installation of t-base then repaving. Installation of filter fabric on eroded bank.

An Emergency Certification was issued. There was an erosion issue at the bridge between two catch basins and the bridge was undermined. Stone was also added in order to slow down water as it runs down the bank. Usowski recommends approval with a Negative 3 determination.

McGuire asked if this was a permanent repair. Usowski stated that it is fixed, but the area needs to be evaluated for the long term.

Motion by Paula McGuire to approve with a Negative 3 determination and second by Ernie Crabtree. Approved 4-0-0.

Notices of Intent

The Tide River Nominee Trust, Lawrence Damon, Trustee, 44 Chase Street, Map 4, Parcel N1-D2. Proposed construction of a swimming pool, pool shed, fence and relocation of existing drive.

Presenter: Lynn Hamlyn

The site contains several resource areas including salt marsh, riverfront and coastal bank. The pool will be located in the existing driveway and the driveway will be relocated outside of jurisdiction. There is over a 3,000 sq. ft. reduction in hardscape. Drainage of the pool will be directed away from the resource area, or if the Commission would prefer, it can be hauled off-site.

Usowski believes Hamlyn is correct in her top of coastal bank delineation and she noted the site is highly disturbed. Usowski also noted how close the pool fence was to being in the 50' buffer. Hamlyn said the project meets performance standards for work in the riverfront because after the driveway is removed, conditions on the site will be better and there will be no work done beyond what is already there. Crabtree questioned fertilizer use and Usowski recommends that a condition be included regarding fertilizer. Chase stated he would like no fertilizer to be used and would like the fence set back from the 50' buffer by 5 or 10 feet. Hamlyn stated that the corner of the fence will be angled to meet that setback; there will be native plantings between the fence and the pool. She stated an amended plan will be submitted.

Motion by Ernie Crabtree to approve contingent on submittal of a revised plan, fertilization guidelines and that pool water is hauled off-site. The motion was seconded by Paula McGuire. Approved 4-0-0.

Andrew and Katie Hutton, 437 Route 28, Map 13, Parcel S1-B3. Replacement of the original sewage system with a Title 5 sewage system. No expansion of the existing building is proposed.

Presenter: John O'Reilly

The Hutton's recently purchased the property and the septic is sitting in the groundwater and needs to be upgraded to meet BOH standards. The leaching facility is as far away from the resource as possible. There is no change in the existing gravel. Due to vehicle traffic, the location of the system cannot be moved.

Usowski stated this would be a raised, Title 5 system. She talked to the Health Director who did not think that this would have a problem passing at the Board of Health meeting. The system will be in maximum feasible compliance with Conservation and Health regulations and approval is recommended.

Motion to approve the septic system upgrade by Stan Pastuszak and seconded by Ernie Crabtree. Approved 4-0-0.

Discussions

Possible conversion of carport to garage at 130 Forest Street:

Presenting: Holly Tarleton

Tarleton recently discovered that a garage door would fit on the existing carport and she would like to add walls on the back and side to turn the carport into a garage. The footprint would remain the same.

Usowski stated that some of the existing structure is in the 50' buffer and it was noticed that the existing shed may be larger than the 8'x8' structure that was permitted.

The Commission decided they would like to see a Notice of Intent for the discussed work, including plans for roof runoff, and Usowski would also like an existing conditions plan submitted that shows the shed in question.

Fence and other activities in buffer zone at 14 Riverbend:

Presenting: Donna Doyle, Mark Burgess.

It came to the attention of the Conservation Commission that a previously existing fence that was part stockade and part split rail had been converted to all stockade. The footprint of the fence did not change. It was also reported that an outdoor shower had been constructed.

Doyle stated that she had asked someone in the Community Development department about permits needed and was told they did not need one for a fence. The outdoor shower is only being used for dogs and she has no problem removing the structure.

Usowski stated the Commission's concern for the fence is the passage of wildlife and the regulations state that fences must be 6"-8" off the ground; if this was done the Commission may be able to find the fence to be in compliance. The outdoor shower is a new, unpermitted structure and should be removed. She also noted that a study was done by BSC group regarding the fence and wildlife.

The Commission agreed that the outdoor shower should be removed.

Public Comment: Greg Baldwin, a butter from 11 Trinity Cove, stated he believes that fence was substantially changed and enlarged and should not be considered replacement fencing. He expressed his concerns for the passage of wildlife, in particular geese in the area.

A representative for the Girouards at 5 Trinity Cove also stated his concern regarding wildlife passage.

Burgess stated that the fence pre-dates the regulations. The current regulations state that there needs to be clearance at the bottom of the fence and does not mention the conversion of split rail to stockade. By raising the bottom of the fence wildlife could travel under and geese have the ability to traverse over the top of the fence. Burgess asked that the Doyle's be able to keep the spigot of the shower, but get rid of the structure.

Chase stated concern that Pro Fence did not know that a permit was needed. He suggested removal of the new section of stockade fence and replacing with a living fence. This would be beneficial

to the area, while giving the Doyle's the privacy they would like. The Commission does not have an issue with the fencing in the 50'-100' area, just the 0'-50'. Crabtree stated he does not believe the Commission should be trying to differentiate between fence types; in his opinion the fence was not enlarged because the footprint did not change and height is not the issue in this case. He favors allowing the fence with passage below.

Burgess suggested that the stockade be removed in the 0'-50' buffer and split rail put in place and then the rest of the stockade fence will be amended to allow 6"-8" off of the ground. Doyle will meet with Usowski to discuss plantings to put in by the split rail portion of the fence. The structure surrounding the outdoor shower will be removed, but the spigot can stay.

Motion by Stan Pastuszak to issue an Enforcement Order requiring the fencing in the 0'-50' buffer be split rail, that the stockade fence have a clearance of 6"-8" and requiring the removal of the structure of the outdoor shower all to be completed by April 1, 2018. The motion was seconded by Paula McGuire. Approved 4-0-0.

Construction at 177 Forest Street that has exceeded permit:

Presenting: Steve Szafran

Szafran stated there was a miscommunication between himself and the person he was working with that caused the building to be extended by 6' and pushed the retaining wall into the 50' buffer. The mistake was found when the engineer did a new site plan and Szafran immediately stopped work and discussed with Usowski. He would like to leave everything as is, but is willing to provide any mitigation necessary to do so.

Usowski stated that the 0'-50' buffer is currently being improved upon by invasive removal and the planting plan still needs to take place. Crabtree is torn on the issue due to the fact that there are supposed to be no new structures in the 50' buffer, but he does not believe it is causing harm and may even be improving the site. Chase mentioned the work limit was breached as well which was a topic heavily discussed at the original meeting. Chase and the other Commissioners would like to take an in-depth look at the site before deciding what mitigating actions to take. It was decided the owner will be fined \$600.00 (\$300.00 for the work in the 50'-100' and \$300 for the work in the 0'-50').

Motion by Chase to issue a fine of \$600 and to continue the discussion to evaluate mitigation options. The motion was seconded by Pastuszak. Approved 4-0-0.

Lease language for the Bells Neck Cranberry Bogs: Usowski is working on the updating the old lease.

Orders of Conditions

The CDW Realty Trust, Janice Salvadore, 14 Rainbow Way, Map 73 Parcel S153. **Motion to approve the Order of Conditions by Chase and seconded by Crabtree. Approved 4-0-0.**

Kevin Blute, 62 Clearwater Drive, Map 72 Parcel W86. **Motion to approve the Order of Conditions by Pastuszak and seconded by Crabtree. Approved 4-0-0.**

Wayne and Susan Pratt, 22 Walkerwoods Drive, Map 94 Parcel A5-8. **Motion to Continue by Chase and seconded by Pastuszak. Approved 4-0-0.**

Other Business

116 South Street-A fine was issued for stockpiling and fill related violations and if the issues are not resolved there will be further action. Usowski says she has yet to be contacted by the owner. The Commission will do a site visit.

Motion to adjourn by Chase and seconded by McGuire. Approved 4-0-0.

In attendance at meeting:

John O'Reilly
Donna Doyle
Gregg Baldwin
Mark Burgess
Holly Tarleton
Lynn Hamlyn
Steve Szafran

Minutes Transcribed by Nicole Smith, Assistant Conservation Agent.