

Brad Chase



TOWN OF

HARWICH

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CONSERVATION COMMISSION
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HARWICH CONSERVATION COMMISSION – MINUTES

WEDNESDAY, FEBRUARY 21, 2018

SMALL HEARING ROOM, HARWICH TOWN HALL

Present: Brad Chase, Rob Mador, Paula McGuire, Stan Pastuszak and Conservation Administrator Amy Usowski.

CALL TO ORDER

By Chairman Brad Chase.

HEARINGS

Request for Amended Order of Conditions

Kevin & Marilyn Joyce, 22 Harwich Pines, Map 103, Parcel S1A-14. Applicant wishes to adjust the location of the pier so that it will be located 25' off the easterly property line, remove the existing stairway and construct a new stairway in line with the new pier location.

Presenter: David Lyttle.

The Homeowner's Association would not sign off on the current pier location, so the pier and stairs are being relocated. The existing stairs will be removed and the area restored; the new stairs will be 5 sq. ft. larger and will be elevated off the bank. Usowski stated she will condition the number and types of plantings for the restoration area, but does not feel a landscape plan is needed. She recommends approval. **Motion to approve by Paula McGuire and seconded by Rob Mador. Motion approved unanimously.**

Notices of Intent

Joshua and Jason Michniewicz, 45 Main Street, Map 55 Parcel H2-1. Proposed site development for a 6,000 sq. ft. industrial building within 100' of a wetland.

Motion to continue to March 7, 2018 by Rob Mador and seconded by Paula McGuire. Motion approved unanimously.

Luiza A. Beaupre, 9 Herring Run Road, Map 36 Parcel L11. The proposed additions/renovations to an existing structure and installation of a Title 5 septic system. Work will take place in the 100' buffer to a coastal bank and in riverfront area. **Motion to continue to March 7, 2018 by Rob Mador and seconded by Stan Pastuszek. Motion approved unanimously.**

John R. Lewicki & Julie K. Kratochvil, 58 Uncle Venie's Road, Map 17 Parcel A1-14 and A1-19. Additions to existing dwelling, new septic system, removal of existing structures within the 50' wetland setback, invasive species removal and native plantings.

Presenters: Dan Croteau, Katrine Higgins, Rob McPhee.

The house is in the flood plain, riverfront area and buffer to BVW. The additions proposed are in altered areas and no native vegetation needs to be removed. There is 475 sq. ft. of hardscape and 390 sq. ft. of building proposed. The existing seasonal covered porch will be removed and there will be a family room addition and increase in kitchen size. Higgins stated there will be 1,500 sq. ft. of mitigation which is just over a 3:1 ratio. The mitigation is focused on an area vegetated with invasive species and is focused on an area where storm water could be infiltrated before reaching the wetland. The invasive species will be removed primarily by hand with some mechanical removal if allowed. The area will be planted with a native grass seed mix, one tree and 12 shrubs. The fire pit will be relocated outside of the 50' buffer and the stone wall will be removed. Usowski stated that the mitigation is appropriate. She has concerns with how close the garage is to the 50' buffer. The homeowners were supposed to stop actively mulching and using the area within the 50' buffer and Usowski would like the mulch removed. Higgins would prefer to let the mulch break down because it is serving some function and it will take a lot of work to remove it. Usowski stated that there are some parts that are very thick and will take a long time to break down and its presence allows people to continue using the area. The wood chips will be removed and the area deemed a no-mow zone. Croteau stated that due to zoning requirements and the size a garage needs to be functional, it will be difficult to move it away from the buffer zone. Chase stated that he is fine with the mitigation plan, but feels the garage is too close the buffer; he would also like shrubs planted in the mulched area and more than one tree. The applicants will go to ZBA to see if the garage can be extended closer to the lot line. Usowski will write a letter to ZBA expressing the Commissions desire for the garage to be closer to the property line. The hearing will be continued to evaluate the garage and to make a plan for the mulched area. **Motion to continue by Brad Chase and seconded by Rob Mador. Motion approved unanimously.**

Robinson Lee, 55 Snow Inn Rd, Map 15 Parcel N3-0. Reconstruction of an existing licensed dock and dredging.

Presenters: Mark Burgess and Skipper Lee

The dock will be reconstructed with the same amount of pilings, but will be elevating the dock by a foot, adding a handrail and making the dock 4' wide. Dredging is proposed to allow the barge to be stored in that area; the barge currently sits on the sediment at low tide. There are no shellfish in the area of proposed work. It is not expected that the dredging will have to be done again in the near future.

Usowski stated that the dock replacement is simple and meets regulations and she can recommend approval. There is an issue with the shellfish survey not extending into the area proposed for dredging. DMF called regarding turning coastal beach into land under the ocean and Usowski is hesitant to allow that. Lee stated he is ok with extending the dock seaward in order to avoid the need to dredge; according to the regulations the dock could be extended by 7', but need to get waterways approval. Chase stated he does not readily support the installation of a bulkhead and Lee stated he would not dredge without the bulkhead and would instead choose to replace the dock in kind. The Commission supports extending the dock over dredging. Usowski will write a letter to waterways expressing their views. **Motion to continue to March 7, 2018 by Brad Chase and seconded by Stan Pastuszak. Motion approved unanimously.**

Alfred and Carol Novak, 30 Harbor Road, Map 15 Parcel 15-A. Proposed pier, ramp, float and dredging.

Presenter: Mark Burgess and Carol Novak

New dock. Minimal length and structure that meets all of town bylaws. Float is 65' away and landward by 15 or so feet. Shellfish were found. Small dock limited to function for the sailboat the Novaks own. 90 cubic yards of dredging to allow dock to be closer to shore and allows the minimum depth of 2.5 feet on all sides of the float. Increase length would need variance from 65 foot setback requirement. Believes mitigation of 3 bushels of seed greatly offsets dredging in an area that contains shellfish.

Amy-Regulation no new structures in town or state mapped shellfish area, therefore cannot recommend it as proposed. If structure elongated and have less or no dredging where shellfish were found it might have potential. Dredging within 25' of salt marsh as well. To get to adequate depth with minimal dredging, could possibly grant variance to 65' setback to other docks. Mador stated he is a proponent of increasing the length. McGuire is concerned with encroaching on a mooring. Burgess stated John Rendon would have authority to move around boats or change boat mooring field layout. Chase-primary concern should be shellfish habitat and new dredging. Proposed boat size is irrelevant because that could change. Undocumented softshell clams on shellfish survey. Burgess-starts at edge of marsh and does not go into marsh. Chase does not believe the project should be permitted. Novak stated there was a pre-existing dock but was not licensed and was taken out by a hurricane. He would be possibly on board if went out deeper and shellfish were not present. Mr. Reilly spoke on behalf of an abutter and has concerns with where dredging will occur. Would like to continue to April 18th to work with John Rendon and waterways. **Motion by Brad Chase to continue the hearing to April 18, 2018 and seconded by Stan Pastuszak. Motion approved unanimously.**

Steven Szafran, 177 Forest Street. Revised plan.

Presenter: Steve Szafran.

Szafran will apply for an amendment to allow for the large building and the retaining wall will be removed. The Commission would like mitigation plantings to be 3:1 or 1,095 sq. ft. The plan needs to show the planting area, number and types of plantings and the existing edge of vegetation. Usowski recommends filing an amendment by March 15th. **Motion by Stan Pastuszak to**

continue with the condition that a filing be submitted by March 15, 2018, seconded by Rob Mador. Motion approved unanimously.

Certificate of Compliance. Craig and Terrie Borden, 2-A Hinckley Road (Formerly 424 Pleasant Lake Avenue), Map 91 Parcel J3-8 (formerly Parcel J3-4). Construction of a single family dwelling.

The as built shows an additional retaining wall than was permitted, but Usowski believes it was a good idea. The irrigation heads in the 100' buffer were removed. There needs to be confirmation that the plantings made it through the winter so the Commission should wait to act until May.

Darlene and Robert Turner, 18 Strandway, Map 1 Parcel J1-5 and J1-90. Proposed steps, dock, revetment enhancements and dredging.

Presenter: Mark Burgess.

John Rendon stated he would prefer the dock to not go out any further than what is currently proposed. There will be no pilings in the Marsh. The revetment will be pulled outside of mean high water, will go up to the velocity zone and all revetment work can be done without being on the beach. No work will be done on the revetment until there is an approved planting plan. Usowski stated that the revegetated area on the bank will not count towards future mitigation for upcoming projects. The area of proposed work is in state and town mapped shellfish area and the regulations state no new structures. There are questions regarding the shellfish survey and how many plots were sampled. Pastuszak does not believe a dock should be permitted in this area. Burgess believes the mitigation offsets the disturbance and that a variance is warranted as there is no other alternative. He will discuss dock placement with John Rendon in order to have less dredging, confirm the shellfish plots are correct and come back with a revised plan. **Motion to continue to March 7, 2018 by Brad Chase and seconded by Stan Pastuszak. Motion approve unanimously.**

Discussion and Possible Vote

Concept plan for 254 Bank Street: Mark Corliss presenting. Corliss would like to install a pool, build a barn/garage and install a split rail fence. The fence would consist of 20 posts in the ground and would be partially located in the 50' buffer. He has begun planting the area. Usowski states the pool is approvable, but she would like the barn to be pulled back from the 50' buffer. Chase stated he would like to see retreat from the wetlands and would have trouble approving the fence because it would be inconsistent with other rulings the Commission has made. Mador does not have a problem with the fence as long as there is mitigation. Corliss would be willing to plant all along the back wetland side of the fence. Corliss will come back with official plans including calculations on square footage of fence and mitigation and will develop an alternatives analysis.

Orders of Conditions

Jeffrey Kevin Joyce and Marilyn Heaney Joyce, Trustees, 22 Harwich Pines, Map 103, Parcel SE1-14. Proposed licensing and maintaining of a seasonal dock. **Motion to approve, with revisions, by Paula McGuire and seconded by Rob Mador. Motion approved unanimously.**

Demetrios Dasco, 23-1 Snow Inn Road, Unit 1, Wychmere Shores Condos, Map 8 Parcel P2-1. Proposed patio extension and outdoor kitchen, replacement of brick patio with cut stone patio and mitigation plantings. Work will take place within the 50' buffer zone to the top of coastal bank and in the flood zone. **Motion to approve by Brad Chase and seconded by Stan Pastuszak. Motion approved unanimously.**

Ruthanne and David Schoetz, 10 Spring Tide Lane, Map 38, Parcel A1-5. Vista pruning, 4 ft. wide path, invasive plant removal and planting of native shrubs in a 3:1 ratio. **Motion to approve by Brad Chase and seconded by Paula McGuire. Motion approved unanimously.**

Paul Norton, 68 Smith Street, Map 19, Parcel A9-2. Construction of a 24'x30' garage and driveway extension. **Motion to approve by Rob Mador and seconded by Stan Pastuszak. Motion approved unanimously.**

Jeff Baroni, Frank Popkiewicz and Eileen McGann, 8 Ruth Lane, Map 32 Parcel K4-25. Conversion of the second story garage to enlarge the bedroom and bath. Add a cantilevered deck on the second story. **Motion to approve by Brad Chase and seconded by Stan Pastuszak. Motion approved unanimously.**

Certificates of Compliance

Rosemary and Christine Gregorski, 33 Nons Road, Map 5, Parcel W117. Bank stabilization and revetment return extension. Usowski would like the Commissioners to do a site visit before acting on the request.

Minutes

Motion to approve the December 20, 2017 meeting minutes by Stan Pastuszak and seconded by Brad Chase. Motion approved unanimously.

Motion to adjourn by Brad Chase and seconded by Paula McGuire. Motion approved unanimously.

In attendance: David Lyttle, Rob McPhee, Robinson Lee, Larry Ballantine, Steve Szafran, Carol Novak, Mark Burgess, Mark Corliss, Craig Borden, Skipper Lee, Dan Croteau, Katrine Higgins

Minutes transcribed by Nicole Smith, Assistant Conservation Agent.