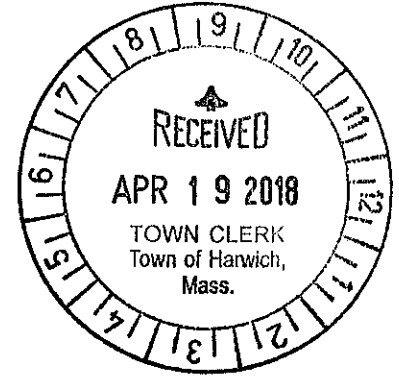


Brad Chase



TOWN OF

HARWICH



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HARWICH CONSERVATION COMMISSION – MINUTES

WEDNESDAY, FEBRUARY 7, 2018

DONN B. GRIFFIN ROOM, HARWICH TOWN HALL

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

CALL TO ORDER

By Chairman Brad Chase.

HEARINGS

Requests for Determination of Applicability

Outer Cape Health Services, 710 Main St (Route 28), Harwich Port, Map 15 Parcel K2. Proposed work includes implementing flood-proofing measures, reconstructing parking and walkways to be ADA compliant. Installation or re-construction of curbing, sidewalks and stoops. Removal of a paved loading dock to allow for an enclosed trash storage area and ambulance loading zone. The site lies within the FEMA AE 11’ flood zone.

Presenter: Brad Malo.

Site changes include new sidewalks, drop-off area, handicap accessibility improvements, landscaping and ambulance loading area. One of the existing septic systems on the property will be filled and abandoned. Flood-proofing of the building will also take place. Usowski stated that the projects results in a net reduction of impervious surface and recommends approval with a negative 2 determination. **Motion by Carolyn O’Leary to approve the RDA with a negative 2 determination and seconded by Rob Mador. Motion approved unanimously.**

William Grosso, 287 Bank Street, Map 14 Parcel S12. Upgrade of an existing septic system. Work will occur within the buffer zone to a bordering vegetated wetland.

Presenter: Lynne Hamlyn.

The system will be upgraded to achieve maximum feasible compliance. One tree will have to be removed. Usowski stated she recommends approval with a negative 3 determination. O'Leary expressed concern with these systems when the power goes out and the pump does not function. **Motion by Paula McGuire to approve the RDA with a negative 3 determination and seconded by Stan Pastuszak. Motion approved unanimously.**

Great Sand Lakes Association, 0 Vacation Lane, Map 72 Parcel BA-A. Extension of existing wooden retaining wall to help prevent storm water runoff to association beach and Briggs Pond. **Presenter:** Dave Callaghan.

Callaghan presented the work at the previous meeting and the Commission requested that an RDA be filed for the after-the-fact work on a retaining wall. The purpose of the wall is to control erosion caused by storm water from the road. They would also like to plant the area to help with erosion. Chase expressed concern with the after-the-fact process, as these type of filings seem to be increasing in frequency. Usowski stated she did not issue a fine because the association is usually very diligent in filing for work in jurisdiction and the work did not cause a negative impact.

Abutter Russell Hampton spoke. He stated runoff has gotten a lot worse and he believes a berm should be installed at the area where there is a squared off section of road that people use to park.

Motion by Carolyn O'Leary to approve the RDA with a negative 3 determination and seconded by Rob Mador. Motion approved unanimously.

Notices of Intent

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 (continued from Sept 20, 2017). **Presenter:** Stephanie Sequin and George Gakidis.

Pastuszak is abstaining and McGuire signed paperwork stating she has reviewed and understands all information previously presented.

The applicant would like to extend the existing patio by 182 sq.ft. with a pergola above, which will be built on posts and sonotubes. The patio will have a grill station against the wall, which is reduced in comparison to the originally proposed outdoor kitchen. Two brick patios of 135 sq. ft. and 90 sq. ft. will be removed, resulting in a 43 sq. ft. net reduction of hardscaping. They are also proposing over 400 sq. ft. of lawn removal and planting of native grasses. Usowski stated that with the net reduction of hardscape and the fact that nothing is closer to the resource area than what already exists, that she recommends approval. O'Leary asked if it has been approved by the association and it has. Chase believes that this project fits the requirements for a variance, however he would like more diversity in the plantings and suggested some shrubs be installed.

Sequin will discuss that with the homeowner and will discuss it with Usowski at the pre-work site visit.

Motion by Carolyn O’Leary to approve the NOI and seconded by Rob Mador. 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 (continued from 1/3/2018).

Presenter: George Malone.

Usowski stated that the Commission wanted more clarification on the project. The path has been moved slightly to stay out of the 50’ buffer and in a location where a rough path already exists; only pruning will be needed. No herbicides will be used unless by a certified applicator. The small oak saplings will be removed and replaced with other native plantings. She recommends approval of the project. Chase stated he would like a specific condition regarding the path size and make-up.

Motion by Rob Mador to approve the NOI and seconded by McGuire. Motion approved unanimously.

Paul Norton, 68 Smith Street, Map 19, Parcel A9-2. Construction of a 24’x30’ garage and driveway extension (continued from 1/3/2018).

Presenter: Robin Wilcox.

Nine trees will be removed and will be replaced with a mixture of plantings, including some trees. Stone trenches around the house will be installed to take care of runoff. Usowski stated the building was pulled a little further from the wetland and she recommends approval.

Motion by Carolyn O’Leary to approve the NOI and seconded by Mador. 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.

Presenter: Stephanie Sequin.

The entire property is within the Herring River riparian zone and also contains LSCSF and a coastal bank. There is an existing garage and two sheds on the property. The garage will be converted to a dwelling and one shed will be moved to constitute an addition to the dwelling. The proposed septic system is as far away from the resource area as possible and the driveway will be pervious. There is a very limited amount of work in the buffer to the coastal bank; most work is just in the riverfront. Usowski noted that there are remains of a dock on the property, which has no permits, so to rebuild the proper permitting process will have to occur. She recommends approval of the project. Chase would like a narrative submitted. Mador suggested adding conditions on the replacement of the retaining walls in case the owners decide to do that. Chase stated that information on the retaining walls should be included in the narrative.

Motion by Brad Chase to continue the hearing to February 21, 2018 and seconded by Stan Pastuszak. Motion approved unanimously.

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 an isolated freshwater wetland.

Presenter: David Michniewicz.

Proposal to construct a 6,000 sq. ft. industrial building. The location of the building was chosen in order to have site activity facing away from the existing residence. There will be a paved area and retaining wall as well. The retaining wall will act as a vertical buffer to keep activity out of the 50' buffer. There will be no storm water recharge in the buffer and all roof runoff is contained. The Town Engineering department reviewed the drainage systems and approved it. The site will be revegetated with a conservation seed mix and they would like to transplant blueberry from an upland area that will be disturbed. The site is not in NHESP habitat or a flood zone. As proposed, Michniewicz feels it meets all the interests of the act.

Usowski would like to discuss moving the retaining wall and have a buffer strip between wall and the 50' buffer. There is not a lot of room for mitigation, so the focus needs to be on minimizing disturbance. Mador believes this is the best possible plan for this lot and use. Chase would like 2:1 mitigation for disturbance in the 50'-100' buffer; if there isn't room to mitigate then some development should be removed from the buffer. Michniewicz stated that he can increase the length of the retaining wall which decreases the amount of grading needing to be done, therefore, decreasing the work limit and increasing undisturbed area by 900 sq. ft. The Commission, Agent and Representative decided to set up a site visit.

Motion by Brad Chase to continue the hearing to February 21, 2018 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.

Presenter: Robin Wilcox.

There will be no increase in ground coverage and the footprint remains the same. Usowski stated that everything that is there now is permitted; there is structure in the 50' buffer, but it is over the existing permitted structure. She recommends approval with conditions regarding debris and stinging. **Motion to approve the NOI by Rob Mador and seconded by Paula McGuire.**

Motion approved unanimously.

Discussion and Possible Vote

Cemetery Director requests incorporating 7 acre parcel of Conservation land (Island Pond Conservation Area) as part of proposed Arboretum at Island Pond Cemetery.

Presenter: Robin Kelley.

Kelley is working to get the Island Pond Cemetery certified as an arboretum. To meet the criteria, an arboretum needs to be 25 acres and Island Pond is currently only 18 acres. There is conservation land adjacent to the property that is 7 acres and if this can be included in the

arboretum, it would meet the 25 acre criteria. The land would remain in conservation control. There will be no disturbance to the area other than signage and trail maintenance (there is already a series of trails on the property). There is also debris that would be removed. New plantings would be done at the arboretum each year, but these would take place on the cemetery property. If any plantings took place on the conservation portion of the land they would be required to be native. **Motion by Brad Chase to allow the conservation land to be included in the arboretum, but to remain in Commission management and the installation of interpretive signage; seconded by Paula McGuire. Motion approved unanimously.**

Lease of the Bells Neck Cranberry Bogs

The lease will be for five years with a five year extension offer and there will be an annual review of accountability. There is a 10 year max on the lease before it has to go out to bid again. Liability coverage will be left to the BOS.

Mador asked if there is any way to determine potential yield of the bog. Mark Coleman stated that in the past a banner crop was 1,400 barrels and an average crop was around 1,000 barrels. It is likely the yield will only be 500-700 barrels due to loss of acreage. Pastuszek asked if wet or dry harvesting is preferred. Dry harvesting yields better because of the fresh fruit; wet harvested fruit goes to jam or juice. Wet is easier and requires a lot less labor. Coleman also stated his interest in the property for other farming, specifically root crops. Usowski stated that changes the permitting, because while the land is in agricultural use, this would constitute work in the buffer that wasn't originally existing. She will have to look into this. O'Leary noted that the lease states best management practices for cranberries is required and mentions nothing about other crops. Chase suggested adding a question to the application asking if there are any other intended uses and then Usowski can look into those uses and determine if they are permissible. **Motion by Brad Chase to forward the draft request for proposals, with modifications, to the Board of Selectmen; seconded by Stan Pastuszek. Motion approved unanimously.**

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. An amended plan will be submitted changing the location of the dock in relation to property line setbacks so no vote will be taken today.

James Killian, 5 Weeks Road, Map 16, Parcel N1-24. Removal of 45 trees and replant with 120 plantings. Disturbed area will be scraped, loamed and seeded with Harmony Seed Mix in buffer zone. Removal of creosote timbers along the driveway and replacement with cobblestone. Creosote retaining wall and staircases will be removed and replaced with NE fieldstone wall and bluestone steps. Annual vista pruning. **Motion by Brad Chase to approve the Order of Conditions and seconded by Paula McGuire. Motion approved unanimously.**

Certificates of Compliance

Rosemary and Christine Gregorski, 33 Nons Road, Map 5, Parcel W117. Bank stabilization and revetment return extension. Usowski stated the project is not ready for a certificate of compliance. There is no evidence of sand nourishment and no annual reports have been submitted.

Thomas Morrison, 4 Fiddler's Landing, Map 13, Parcel R4. Landscaping and exterior site improvements; control vegetation on coastal bank. Usowski found this project to be in compliance. **Motion by Brad Chase to approve the Certificate of Compliance and seconded by Rob Mador. Motion approved unanimously.**

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. Usowski stated that this project is not ready for a certificate of compliance. There is a small retaining wall that was not permitted and the plants have not been in the ground long enough.

Minutes

Motion by Rob Mador to approve the November 1, 2017 meeting minutes and seconded by Brad Chase. Motion approved 4-0-1 with Paula McGuire abstaining.

Motion by Brad Chase to approve the December 6, 2017 meeting minutes and seconded by Rob Mador. Motion approved unanimously.

Motion to adjourn by Brad Chase and seconded by Stan Pastuszak. Motion approved unanimously.

In attendance: Robin Wilcox, George Malone, Jason Michniewicz, Josh Michniewicz, David Michniewicz, Brad Malo, Russell Hampton, Maria Norton, Paul Norton, Larry Ballantine, Dave Callaghan, Stephanie Sequin, Lynne Hamlyn, George Gakidis, Mark Coleman and Robin Kelley.

Minutes transcribed by Nicole Smith, Assistant Conservation Agent.