

Brad Chase
8/1/2018



TOWN OF

HARWICH

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CONSERVATION COMMISSION
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HARWICH CONSERVATION COMMISSION – MINUTES

WEDNESDAY, JULY 18, 2018

6:30 P.M.

DONN B. GRIFFIN ROOM, HARWICH TOWN HALL

Present: Brad Chase, Carolyn O’Leary, Stan Pastuszak, Paula McGuire, Ernie Crabtree, Mark Coleman, James Donovan and Conservation Administrator Amy Usowski

Absent: Alternate Member John Ketchum

6:38pm Call to Order

By Chairman Brad Chase.

HEARINGS

Notices of Intent

Jeffrey King, 30 Lothrop Ave, Map 11 Parcel M6. The construction of a wooden deck at the back of the house and minor alterations to eliminate water from entering the basement entry.

Consultant Paul Shea was present to represent his client Mr. King. Mr. Shea described the project and the site to the Commission. He said the proposal to add a deck between the two existing decks and to move the basement access would have no vegetative disturbance.

Commissioner O’Leary asked if the existing basement stairs would come out? Yes.

Commissioner Donovan inquired as to whether any mitigation for the additional proposed square footage in hardscape was proposed? No.

Commissioner Pastuszak had concerns about new structure in the 50' buffer zone, which is a No Disturb Zone.

Commissioner Crabtree had concerns about a second story deck on the main house currently under construction, and a bumpout on the cottage where the window is. Both items are in the 100' buffer zone.

Mr. Shea offered to plant 2 trees in the 50' buffer as mitigation.

Commissioner Coleman would like to see at least a 1:1 mitigation for new structure proposed in the buffer zone : native plantings.

Chairman Chase stated he did not think a variance was warranted in this case. He does not see a hardship. He stated the Commission routinely requests a 2:1 mitigation ratio of new native plantings : proposed additional square footage of hardscape within jurisdiction. He asked if the basement access could go in the front of the house so it would be out of the 0-50' buffer but still in the 100' buffer?

Commissioner O'Leary asked if the design of the deck could be slightly changed to eliminate the few square feet that were proposed in the 50' buffer zone?

Mr. Shea would like to take this back to his client. Commissioner O'Leary Moved and Commissioner Pastuszak Seconded to continue this hearing until August 1, 2018. All in favor. Motion carried.

James and Janice Di Stasio, 19 & 25 Bonnie Ln, Map 16 Parcels C1-2 & C1-1. Construction of a single family dwelling with driveway, septic system, utilities and landscaping.

Stephanie Sequin of Ryder and Wilcox, and David Riquinha were present to represent the applicants. Mr. Sequin described the project area and the project itself.

Conservation Administrator Amy Usowski suggested moving the volleyball court a bit farther from the 50' buffer zone line. She asked if things could be moved around a bit so that the applicant still gets the amenities they want, but be a bit farther from the wetland? She was concerned about gradual encroachment into the 50' No Disturb Zone if the activity was so close.

Commissioners McGuire and O'Leary were concerned about chemical application on the property and to the air for mosquitos. Ms. Sequin and Mr. Riquinha would be comfortable with a no chemicals condition for the property.

Commissioner Donovan said that this is a pristine, natural property, and that work will have impact. The proposed volleyball court and driveway are a large square footage.

Mr. Riquinha stated that the owner does not want any more disturbance on this land. He owns three lots here, and only wants to build on one. Mr. Donovan asked if the 3rd lot was buildable? Mr. Riquinha said yes. Mr. Donovan suggested a Conservation Restriction be a possible way to mitigate.

Commissioner Crabtree noted that there would be lots of disturbance in the 50-100' buffer zone. He asked if there was any opportunity for off-site mitigation? He also liked Commissioner Donovan's idea of a Conservation Restriction as mitigation.

Mr. Riquinha told the Commission that Mr. Distasio has given him the authorization to agree to limit the construction to what is proposed here. This would be on all three lots he owns in a row here on Bonnie Lane, if the Commission were to approve of this proposal.

Commissioner Donovan Moved and Commissioner Pastuszak Seconded to approve the project as proposed with the conditions that a Conservation Restriction will be placed on all three lots outside the limit of work, that a living or split rail fence be installed at the 55' line from the wetlands, that some of the trees within the limit of work be saved (to be discussed at the pre-construction onsite meeting with the Conservation Administrator), and that no pesticides, herbicides, insecticides be allowed within the wetlands or 100' buffer zone. Also that an agreement be signed by the owner and whomever will hold the restriction, either the Harwich Conservation Trust or the Town Conservation Department, that a restriction will be put into place. This agreement must be executed prior to the start of work for this project. Six in favor, 0 opposed, 1 abstention. Motion carried.

William and Judith Barnatt, 24 Wychmere Harbor Drive, Map 15 Parcel E4-6. Invasive species management and reconstruction of existing in-ground timber steps.

Emma Votour of Blue Flax Design described the project. Ms. Usowski asked how the meadow would be managed? It would be mown annually after November 1. She suggested moving the proposed path farther from the wetland where it bent towards the river. This was agreeable to the representative.

Commissioner Pastuszak asked if the proposed path was just on their property? Yes.

Ms. Usowski suggested that a monitoring report be submitted twice during the first year of the project and one time for each of the next two years. The monitoring report shall include status of invasive species management and native plantings, and shall include photos.

Commissioner O'Leary Moved to approve the project and Commissioner Donovan Seconded. All in favor, motion carried.

Shirley Sullivan, 72 Julien Rd, Map 16 Parcel X2-6. Remove existing deck and construct a 16'x18' addition with associated landings and steps.

Dan Croteau from Moran Engineering and Shawn the project contractor represented the applicant. Dan described the project. As mitigation for a larger addition over where the deck was, they are willing to revegetate 400 sq ft of lawn area near the top of bank with native shrubs. Ms. Usowski recommended Highbush Blueberry, Arrowwood Viburnum, and Sweet Pepper Bush. There was no major commissioner discussion on this project.

Commissioner O'Leary Moved and Commissioner Donovan Seconded to approve the project. All in favor, motion carried.

Rick Vayo, 89 & 91 Sequattom Rd, Map 101 Parcels W4-2, W5, X2. Removal of existing dwelling. The new dwelling will be outside of the 100' buffer. Disturbed area to be filled, graded and planted.

Dan Croteau of Moran Engineering and the potential new owner Mr. Vayo were present. Mr. Croteau described the project. Mr. Usowski asked if the driveways off Sequattom Rd would be removed since the new access would be off the side road? Yes. She also noted there was no formal replanting plan, but they would come back with a plan. All structure will be moved outside the 100' buffer zone so this is a benefit.

Chairman Chase stated that this is the type of project we like, but don't often get.

Commissioner Pastuszak Moved and Commissioner Coleman Seconded to approve the project with conditions on lawn care. All in favor, motion carried.

Neal Winneg, 0 Deep Hole Rd, Map 17 Parcel A1-65. Reconstruct boathouse and deck.

Dan Croteau of Moran Engineering and carpenter John Chapman were present. Mr. Croteau described the project. Mr. Chapman added that there was no way to just fix this boathouse; that the foundation is compromised. The new boathouse would be 16" higher, with the new foundation on 12" fiberglass pilings driven to a depth of 6', and helical piles 10' down. The building would need three flood vents as it would still be below flood level.

Ms. Usowski asked how they were proposing to keep debris out of the river during demo and reconstruction. They would keep a tarp strung up underneath. Ms. Usowski suggested a net or siltation barrier both up and downstream as well. She also asked if it would remain as it is, just a boathouse. Yes, with no living space or utilities.

The Massachusetts Division of Marine Fisheries recommended a Time of Year (TOY) restriction of April 1 through June 15 for any in-water work. Chairman Chase noted that this should probably be extended until October 1, because juvenile herring make their way to the sea in late summer/early fall.

Demolition would be done by hand with the exception that a mini-excavator is needed to drive the new pilings. The commissioners agreed that this was a good approach.

Commissioner Pastuszak said he does not want any utilities to go to the boathouse or have it store any type of fuels.

Mr. Chapman said he needs 6' of clearance around the building to get the beams in. Ms. Usowski said that was reasonable so long as vegetation was only pruned and the roots not removed.

Commissioner Donovan asked if there was any consideration by the applicant to move the structure to the adjacent lot as it is the same owner. Mr. Chapman stated that no, the owner was opposed to this, and that alternatives should be on the same property but there is no room here.

Chairman Chase asked if there was historic interest. The structure is not over 100 years old however. Are there any public easements? No. Mr. Chase was comfortable with the work so long as it took place after October 1, and there was no alteration to the substrate elevation. He would like to see an As-Built site plan when the work is finished, and reiterated that the new foundation needed to be at least 16" higher than existing.

Commissioner Pastuszak Moved and Commissioner Crabtree Seconded to approve the project for 0 Deep Hole Road. All in favor, motion carried.

Robert and Darlene Turner, 18 Strandway, Map 1 Parcels J1-5A & J1-90. Raze existing dwelling, accessory structure and hardscape. Construct new dwelling, accessory structure, driveway, pool, hardscape, grading and landscaping. Remove invasive plant species and restore bank with native plant species. Rebuild the stone revetment.

Dan Croteau, Theresa Sprague, and Andrew Garulay were present to represent the Turners, who were in the audience. Mr. Croteau described the site plan. Ms. Sprague described the proposed land management on the property, characterizing the site now as ecologically degraded due mainly to the large amount of invasive plants. She went over the restoration plan and the alternatives analysis. Mr. Croteau stated there were 3 cesspools on the site, one in current use. They are on the bank itself and in the 50' buffer zone.

The Commission was concerned about the amount of proposed hardscape. Ms. Sprague stated that reducing the scale of the project was not a viable economic alternative. The project would be in keeping with the neighborhood. As proposed, they are doing greater than 1:1 mitigation, and are also going to take care of site runoff and upgrade from cesspools to a Title V system, which she believes count for some mitigation as well.

Andrew Garulay described the landscape plan. Ms. Usowski asked how high the retaining wall around the pool will be. 8 feet. She also asked how high off the ground the deck was, and what was under it. It will be as high as the wall, and under it will be pervious. Ms. Usowski suggested

pea gravel for drainage. She then described the pertinent points of the Mass Rivers Act for the Commissioners.

Commissioner Crabtree asked if the septic would have had to be replaced regardless of the project. No, believe it or not the system passed, but this is part of the project. If only a portion of the house changed, the system could stay the same, but as it is a tear-down re-build, it has to be upgraded.

Mr. Turner stated that there is actually an oil tank in the bank itself and they want to get it out to convert to gas.

Commissioner Crabtree mentioned that the proposed bocce court alone would be an expansion of about 320 sq ft, and was it a necessity? The representatives said no it is not a necessity, but the Turners want to take full advantage of the outdoor space.

Commissioner Donovan asked about the proposed lawn. On the lower side it would be natural cape cod lawn. He stated that all the lawn in the 100' buffer should be a cape cod lawn. He would also like to see more native plants in the ornamental planting beds.

The Commission instructed the applicants to try to get closer to the 2:1 mitigation ratio for restoration planting : new square footage of hardscape. Some of the Commissioners did agree that upgrading to a Title V septic system and taking care of site runoff down the bank did could as some mitigation, it was just hard to quantify it.

Commissioner Coleman asked if in some way the pool could be reconfigured to get it farther away from the top of bank but keep the same square footage.

They would like a continuance until August 1, 2018 to look at the plan again and bring possible changes to the Commission.

Brad Chase Moved and Jim Donovan Seconded to continue this hearing until August 1, 2018. All in favor, motion carried.

Discussion and Possible Vote

1. 11 Riverpine Circle-potential replacement of fiber rolls with bulkhead.

The owner's representative Roy Okurowski of Land and Sea Engineering was present to ask the Commission if they would consider a bulkhead in replacement of a failing fiber roll array on a bank on the herring river that they permitted a couple of years ago. He explained that the rolls are not meant to be exposed to sunlight or water, and they are so they are degrading.

The Commission made it known that this was not a hearing and was just discussion. Chairman Chase noted that it was partly the way the roll array was constructed that lead to

its degradation. The Commission is willing to put this on for further discussion on their August 15 meeting.

10:22pm Commission McGuire left the meeting.

Orders of Conditions

Steve Walsh, 9 Fiddler's Landing, Map 6 Parcel A1-9. Dwelling modification, deck replacement with patio and other site improvements (continued hearing).

Ernie Crabtree Moved and Carolyn O'Leary Seconded approval of the Orders of Conditions. All in favor, motion carried.

Roger and Nancy Bray, 192 Long Pond Dr, Map 102 Parcel E3-3. Proposed dock.

Brad Chase Moved and Jim Donovan Seconded approval of the Orders of Conditions. All in favor, motion carried.

Richard Boskey, 2 and 10 Lake Shore Drive, Map 110 Parcels A2 and A4. Proposed construction of a residential accessory building and septic system.

Commissioner O'Leary Moved and Commissioner Pastuszak Seconded approving the Order of Conditions. All in favor, motion carried.

Certificates of Compliance

Steve Gemborys, 59 North Westgate Rd, Map 78 Parcel G2-1. New dwelling.

Robert and Gaylene Heppe, 311 Route 28, Map 12 Parcel L1. Addition.

Thomas & Denise Morrison, 4 Fiddler's Landing, Map 13 Parcel R4. Maintenance dredging and reconfiguration of float.

Jeffrey and Gail Press, 112 Sequattom Rd, Map 102 Parcel N6. Dock and beach nourishment.

Stone Horse Yacht Club, 4 Harbor Rd, Map 8 Parcels S3 & S4. Maintenance dredging and reconfigure existing licensed floats.

Commissioner O'Leary Moved and Commissioner Pastuszak Seconded approving all of the Certificates of Compliance. All in favor, motion carried.

Minutes

Jim Donovan Moved and Ernie Crabtree Seconded to approve the minutes of April 18, 2018. All in favor, motion carried.

10:48pm – Brad Chase Moved to adjourn, Carolyn O’Leary Seconded. All in favor, meeting adjourned.

Minutes taken and transcribed by Amy Usowski, Conservation Administrator

Also Present at Meeting:

1. Paul Shea, IEC
2. Richard Wickham
3. Eileen Wickham
4. John Chapman
5. Larry Ballantine
6. David Riquinha
7. Robert Kelley
8. Emma Vautour
9. Dan Croteau
10. Theresa Sprague
11. Stephanie Sequin
12. Carol Spiegelhalter
13. Roy Okurowski
14. Bob and Darlene Turner
15. Rick Vayo