

Brad Chase

HARWICH CONSERVATION COMMISSION
HARWICH TOWN HALL
732 Main Street
SMALL HEARING ROOM
Harwich, MA 02645
JUNE 21, 2017
6:30 PM
MINUTES

PRESENT: Walter Diggs; Rob Mador; Carolyn O'Leary; Paula McGuire, John Rossetti and Amy Usowski, Conservation Administrator.

ABSENT: Brad Chase & Ernie Crabtree

Amy Usowski makes an announcement:

- Aquacultural Research Corp., 11 Harbor Way will be continued until July 5, 2017.
- Discussion Planting Plan for 35 Chatham Road will be continued until July 5, 2017.

CALL TO ORDER

6:30 PM by Chairman, Walter Diggs

Requests for Determination of Applicability:

Aquacultural Research Corp, 11 Harbor Way, Map 1, Parcel H3, Proposed installation of a land based upweller operation within existing building, (Continued from June 7, 2017).

Motion made by Carolyn O'Leary to continue the Aquacultural Research Corp, 11 Harbor Way until July 5, 2017. Seconded by Paula McGuire. Vote: 5-0-0

Mansour Moheban, 11 Atlantic Street, Map 6B, Parcel L144, Proposed Septic System Upgrade. Work will consist of removing two cesspools located in the front yard and installing a complete, gravity fed septic system in the front yard. Areas disturbed will be restored to the pre-existing condition, or as otherwise directed by the approving authorities. There are five variance requests being made to the Board of Health to achieve maximum feasible compliance.

Presenter: Peter McEntee – Engineering Works Inc.

Documents: "Proposed Site Plan Septic System Upgrade". Plan Date: 5/30/17

Peter McEntee explains there is no other area to place the septic system and all the work is in the 50' buffer.

- Amy Usowski states this is the camp ground section of town and the lots are very small. The entire lot is almost completely in the 50' buffer. This new Title V Septic System will replace two failed cesspools.
- Amy Usowski asked if the rail road ties were new or pre-existing.
Peter McEntee states rail road ties were preexisting.
- Amy Usowski suggests approval of the Septic upgrade at 11 Atlantic Street with Negative 3 determination.

Motion made by Paula McGuire to approve the proposed Septic system upgrade at 10 Atlantic Street with a Negative 3 determination. Seconded by Carolyn O'Leary.

Vote: 5-0-0

Stuart Bless, Richard Condon, 22 Bobwhite Lane, Map 17, Parcel G3-1, Proposed Installation of irrigation system in the front yard.

Presenter: Stuart Bless – Homeowner

Documents: "Proposed Site Plan" Mortgage Inspection Plan- Plan Date: – 5/15/85

- Amy Usowski states the site is behind Red River Beach. It's a small area in the front of the house that is an existing lawn. The wetland is in the back of the house and they don't have a back yard.
- Amy Usowski recommends to approve the proposed Installation of Irrigation system in the front yard with no fertilization. Keep it a Cap Cod mix of grass
- Mr. Bless asked if he could use Organic Fertilizers and have a turf lawn.
- Amy Usowski said Organic Fertilization would be up to the Commission and the Town Bylaw does not allow turf lawns.
- Rob Mador suggests to wait until the fall to install the Sprinkler System and to add a rain sensor.
- Amy Usowski mentioned there is a hazard tree Mr. Bless would like flush cut to remove. Amy has no issues with the removal of the tree.

Motion made by Carolyn O'Leary to approve the Request for Determination of Applicability for the Proposed Installation of Irrigation system in the front yard of 22 Bob White Lane with a Negative 3 Determination.

Seconded by Paula McGuire .Vote 5-0-0

Notices of Intent:

Town of Harwich, Along Nantucket Sound, Herring River, Round Cove, Allen, Wychmere & Saquatucket: The Town of Harwich is seeking to combine permits for various dredge and disposal sites within the Town in order to create a comprehensive town wide dredge and disposal permit. Included is the re-permitting of Round Cove maintenance dredging and the addition of a small amount of improvement dredging inside Wychmere Harbor (**continued from June 7, 2017**)

- Amy Usowski states we are waiting to hear from Natural Heritage and that's the reason why we can't close the hearing.

Motion made by Carolyn O'Leary to continue Town of Harwich, Along Nantucket Sound, Herring River, Round Cove, Allen, Wychmere & Saquatucket until July 5, 2017. Seconded by Paula McGuire.
Vote: 5-0-0

Rocco R. Orsini, 56 Purmackene Lane, Map 24 Parcel H17: proposed construction of a single family dwelling with a drive under garage, porch, deck, subsurface sewage system and drive. (**Continued from May 17, 2017**)

Presenter: Lynne Hamlyn – Hamlyn Consulting
Documents: Letter dated May 17, 2017 from Lynne Hamlyn

- Lynne Hamlyn reviews the timeline of events for this project.
- An Order of Conditions was granted in 1989 to construct a single family dwelling.
- November 2015 Mr. Orsini & Hamlyn Consulting attended a public hearing for an informal discussion. The Conservation Commission was made aware of the misinformation provided by the Administrator in 2002.
- An Extension Permit was granted 2002, 2005, 208, 2011 & 2014 under the Wetland Protection Act. Mr. Orsini recorded the Extension each time at the Registry of Deeds.
- Lynn Hamlyn further discussed the issues ie: buildable vs. non-buildable, no vernal pool, time, and expense Mr. Orsini has endured.
- Lynn Hamlyn and Mr. Orsini met with the Commission to discuss the alternatives analysis.
- The Permit Extension Act adds 4 years to the 2014 approval, making it valid until August 2018 under the Wetlands Protection Act.
- Amy Usowski recommends approval for 56 Purmackene Lane.
- Carolyn O’Leary states it’s a shame there were so many errors made in the past.
- Rob Mador states the Town made errors in the past and he apologized to Mr. Orsini.
- Mr. Orsini explains his history of the Order of Condition and explains the cost of the project and his process of misinformation from the Harwich Conservation Commission.
- John Collins, an Abutter, would like to thank the Commission and to assist Mr. Orsini for his damages.
- Amy Usowski recommends the approval of the proposed construction of a single family dwelling.

Motion made by Carolyn O’Leary to approve the proposed construction of a single family dwelling at 56 Purmackene Lane. Seconded by Rob Mador. Abstention by Paula McGuire because she was not a member at the original hearing. Vote: 4-0-1

Demetrios Dasco, 23-1 Snow Inn Road, Unit 1, Wychmere Shores Condo, Map 8, Parcel P2-1. The proposed patio extension & outdoor kitchen, replacement of brick patio with cut stone patio & mitigation plantings. Work will take place in the 50’ buffer zone to the top of the coastal bank & in the Flood Zone. (Continued from May 17, 2017)

Presenter: Stephanie Sequin
Documents: Proposed Site Plan. Plan Date 5/1/2017 – Ryder & Wilcox

Motion made by Rob Mador to continue the hearing for the proposed patio extension & outdoor kitchen, replacement of brick patio with cut stone patio & mitigation plantings until July 19, 2017. Seconded by Carolyn O’Leary. Vote : 5-0-0

Jeffrey A. King, 30 Lothrop Avenue, Map 11, Parcel M6: Proposed enclosure of a room to the existing cottage; & the construction of a new wooden porch (on sonotubes) with a roof to the existing cottage located at 30 Lothrop Avenue. The existing cottage is located within a 100’ year flood zone & within the 50’ buffer & 100’ buffer zone of a BVW wetland. (Continued from June 7, 2017)

Presenter: Paul Shea from Independent Environmental Consultants.

Chase Street Properties, 24 Chase Street, Map 4, Parcel N2. Proposed construction of a single-family dwelling with an attached garage, subsurface septic system and pervious drive. And creation of a footpath and vista cutting.

Presenter: Lynne Hamlyn – Hamlyn Consulting

Documents: Site Plan- Bass River Engineering – Plan Date: 5-31-17

- Amy Usowski recommends approval of this project under the Bylaw and the Act.
- John Rossetti has a question on the Vista Pruning.
- Lynne Hamlyn said to condition the Vista Pruning.
- Rob Mador had a question on the Foot Path.
- Walter Diggs asked if there were any comments from the abutters.

Susan Horcton lives across the street and had some concerns about her view.

John Follas, who is an abutter, had a concern on the Vista Pruning.

Motion made by Carolyn O’Leary to approve the construction of a single-family dwelling with an attached garage, subsurface septic system and pervious drive. And creation of a footpath and vista cutting. Seconded by Rob Mador. Vote: 5-0-0.

Discussion and Possible Vote:

Restoration Planting Plan for 35 Chatham Rd by Barry Viprino

Amy Usowski states there was a Death in the Family of his Attorney and Barry Viprino could not attend and would like to continue until July 5, 2017.

Motion made by Rob Mador to continue Restoration Planting Plan for 35 Chatham Rd by Barry Viprino until July 5 2017. Seconded by Paula McGuire Vote: 5-0-0

Discussion on incident at the Isabel Smith Monomoy River Woodlands Conservation Land

- Mrs. Rosenberg was bit by a dog at Isabel Monomoy River Woodlands Conservation Land
- Amy Usowski just wanted to inform the Conservation Commission of this incident and to have a discussion about signage.
- There was no vote at this time to change the regulations at this conservation area.

Discussion regarding beach management as completed by the Town vs. Private Properties

- Any would like support from the Commission to have the better Beach Management on Town Beaches, and have the requirements for how the Town manages its beaches be the same as what is required of private property owners.

Orders of Conditions:

Cranberry Valley Golf Course, 183 Oak Street, SE 32-2295

Documents: Proposed Site Plan. Plan Date: 6/20/17- Moran Engineering Associates

- Paul Shea reviews the items the Commission requested from the last meeting.
2X \$135.00 By-Law fee, Wetland Data Sheets, Book & Page on NOI Application.

Amy Usowski states all information was submitted and application is now complete.

- Amy Usowski will not recommend approval under the By-Law but can recommend it under the Act. The Porch and the Enclosed Area are in the 0-50' buffer.
- John Rossetti asked what year was the Wetland delineation information dated?
- Amy Usowski said Lynne Hamilyn's plan was in 2016 and Paul Shea's plan was 2017.
- Rob Mador comments he would not of voted to permit this project if it was done properly and would not permit the project "after the fact".

Motion made by Walter Diggs to deny the project under the By-Law and approve it under the Wetland Protection Act. The project is for the enclosure of a room to the existing cottage; & the construction of a new wooden porch (on sonotubes) with a roof to the existing cottage located at 30 Lothrop Avenue Vote: 5-0-0

Kathleen Lupoli, 11 Shore Road, Map 2, Parcel B1-14. The proposed demolition of the existing motel buildings and the construction of a new single family dwelling with pool and cabana and installation of a new Title V septic system. Work will take place in the 50' and 100' buffer to the top of a coastal bank on Nantucket Sound.

Presenter: Stephanie Sequin from Ryder and Wilcox

Documents: "Proposed Site Plan": Proposed Dwelling Septic System Upgrade".

Plan Date: 5/19/17

- Amy Usowski asked if Stephanie Sequin had the Native Planting Plan for 11 Shore Rd.
- Stephanie Sequin said not yet.
- Carolyn O'Leary asked about a retaining wall located at south west corner.
- Stephanie Sequin states the retaining wall would be 13 feet long and 3 feet high.
- John Rossetti asked about the zoning, how many stories will the dwelling be and if the pool could be move back.
- Stephanie Sequin said it was originally built in the 1950's before zoning and it will be two story dwelling and the pool location could be flexible.
- Walter Diggs asked if there were any Abutters that would like to comment.
- No Abutters commented.
- Rob Mador asked :
 - What type of pool will be installed?
 - What the Native Planting Plan will be?
 - Pea stone driveway?

• Carolyn O'Leary asked if the patio around the pool could be moved out of the 50' buffer and location of the pool fence.

Motion made by Walter Diggs to continue until July 19 2017. Seconded by Carolyn O'Leary. Vote: 5-0-0

Motion made by Carolyn O'Leary to continue the Cranberry Valley Golf Course Order of Conditions until July 5, 2017. Seconded by Rob Mador. Vote: 5-0-0

Requests for Certificates of Compliance:

Marc and Jan Aldrich, SE 32-2145, 81 Riverside Drive.

- Amy Usowski recommends approval of C.O.C. for 81 Riverside Drive

Motion made by Rob Mador to approve the Certificate of Compliance 81 Riverside Drive. Seconded by Carolyn O'Leary. Vote: 5-0-0

David Tourigny, SE 32-2243, 4 Chase Street

- Amy Usowski recommends approval C.O.C. for 4 Chase Street.

Motion made by Carolyn O'Leary to approve the Certificate of Compliance for 4 Chase Street. Seconded by John Rossetti. Vote 5-0-0

Elect new members: Temp Chair and Co-Chair

Motion made by Carolyn O'Leary to make Rob Mador and Brad Chase Temporary Co-Chairs
Vote: 5-0-0

ADJOURN

Motion made by Walter Diggs to adjourn the meeting

SIGN IN SHEET

SMALL HEARING ROOM

**John Collins
Mark Kellehen
Larry Ballantine
Stuart Bless
Lynne Hamlyn
Paul Shea
Stephen Carey
Lilia Carey
Stephanie Sequin
Susan R. Horctor
John Follas
Peter McEntee
Bill Cahalone
Rocco Orsini**