

Beff Chase

HARWICH CONSERVATION COMMISSION
HARWICH TOWN HALL
732 Main Street
DONN B. GRIFFIN ROOM
Harwich, MA 02645
JUNE 7, 2017
6:30 PM
MINUTES

PRESENT: Walter Diggs; Brad Chase; Carolyn O'Leary; Ernie Crabtree; Rob Mador, John Rossetti, and Nicole Smith, Assistant Conservation Agent.

ABSENT: Paula McGuire

CALL TO ORDER

6:30 PM by Chairman, Walter Diggs

The following is a **Presentation and Vote:**

Presentation by Michael Lach, from Harwich Conservation Trust. Conservation Commission to review, discuss, and potentially approve of the land management plan proposed for the approx. 17-acre Muddy Creek Headwaters site (formerly owned by the Marini Nominee Trust) in East Harwich at 33 Church Street.

Discussion:

- Ernie Crabtree asked why is this a Unique Area in Town?
Michael Lach explains that it is an environmental sensitivity site and has conservation value.
- Carolyn O'Leary asked why swimming is not prohibited or permitted activity?
Michael Lach said there is no practical access for swimming.
- Ernie Crabtree asked if concentrated encroachment issues have been addressed?
Michael Lach stated encroachment has been addressed and is fairly benign.
- Brad Chase asked why fishing is listed as a prohibited activity?
Michael Lach explains the shoreline is thickly vegetated.
- Brad Chase states there is 17 acres and it seems there should be accommodations for shore fishing.

Motion made by Ernie Crabtree to approve the land management plan for Muddy Creek given the elimination of prohibition against fishing. Seconded by Carolyn O'Leary. Vote: 5-1-0

Requests for Determination of Applicability:

Moran Engineering Associates, Richard Judd, 15 Carefree Way, Map 73, Parcel X158: The proposed project is Title-5 septic system work. This septic upgrade project is proposed to replace the existing failed system. The existing system is to be pumped & removed. There are no additions or alterations proposed to the dwelling.

Presenters: Richard Judd, Moran Engineering

Documents Provided: "Site & Septic Plan" Plan Date: 5/15/17 Proposed 2 bedroom septic design with pump chamber by Moran Engineering.

- Richard Judd explains the design of the proposed system.
- Nicole Smith states the entire home is in the Buffer Zone and there's no way to get the Septic system out of the disturbed area and is going in the area of the current system.
- Carolyn O'Leary states there's not much choice but to keep the septic in current area.

Motion made by Carolyn O'Leary to approve the proposed project for a Title V septic system at 16 Carefree Way with a negative determination 3 and 6 work will take place within the buffer zone.

Seconded by Rob Mador

Vote: 6-0-0

Ernest Crabtree, 176 Great Western Road, Map 37, Parcel N1: Add a second story living area above existing garage at 176 Great Western Rd. No expansion of existing footprint. Install sewer line from garage to existing septic tank. All work to be done outside the 50' buffer zone.

Presenter: Ernest Crabtree recused himself as a member of the board to present his case.

Documents: "Proposed Site Plan" Plan Date: 5/9/17 – J.M. O'Reilly & Associates, Inc.

- Nicole Smith states no problems with plan.

Motion made by Brad Chase to approve the Request for Determination of Applicability for 176 Great Western Road with a negative 3 & 6. Seconded by Carolyn O'Leary. Ernie Crabtree Abstained

Vote 5-0-1

Eldredge Surveying & Engineering, LLC, for 43 Saquatucket Bluffs LLC, 43 Saquatucket Bluffs, Map 9, Parcel A1-1: To replace and extend the existing pool fence. The extension is proposed just outside of 50' from the top of the coastal bank within existing lawn & landscaping areas. The proposal does not require the removal of any trees & will result in less day to day activity within the No Disturb Zone.

Presenter: Thadd Eldredge, Eldredge Surveying & Engineering.

Documents: "Proposed Site Plan" Plan Date: 5/22/17 – Eldredge Surveying & Engineering, LLC

- Nicole Smith recommends moving the fence inwards away from the 50' No Disturb Zone.
- John Rossetti asked what "day to day" activity is.
Thadd Eldredge states Homeowners enjoying outside activities with family and their dogs.
- Ernie Crabtree suggests not to install a fence in the 50 ft buffer zone.

Motion made by Ernie Crabtree to approve to extend the existing pool fence at 43 Saquatucket Bluffs with the provision that the eastern boundary of fence be brought inside of the current natural vegetated area. Seconded by Rob Mador. Vote: 6-0-0

Aquacultural Research Corp., 11 Harbor Way Map 1, Parcel H3. Proposed installation of a land based upweller operation within existing building. (Continued from 5/17/17.)

- Nicole Smith states to continue without any testimony because they are working on a Notice of Intent and it would make sense to do both at the same time.

Motion made by Walter Diggs to continue until June 21, 2017. Seconded by Carolyn O’Leary. 6-0-0

Jeffrey A. King, 30 Lothrop Avenue, Map 11, Parcel M6: Installation of an underground electric utility line within the existing gravel driveway. (Sears Rd.) To provide service to existing house and cottage at 30 Lothrop Avenue. The existing gravel driveway is located within the 100’ buffer zone of a BVW and some of the driveway is located in the 50’ buffer zone

Presenter: Paul Shea from Independent Environmental Consultants

Documents: Proposed Site Plan. Plan Date: 4/5/17 Moran Engineering

- Nicole Smith states the RDA also asked to approve the wetland delineation and the utility line. Nicole Smith states the utility line is fine and can be approved however this delineation is different than the one received from Lynne Hamyln last year. Amy didn’t receive any wetland delineation paperwork of the change.
- Carolyn O’Leary asked about the delineations diagram. Nicole Smith explains positive 2b is that the boundaries are not confirmed by this determination and work is still allowed for the utilities.
- Ernie Crabtree asked about the propane tank. Paul Shea said the propane tank was approved through an Administrated Review by Amy Usowski to be outside the 50’ buffer.
- Brad Chase inquired about sediment removal by the wetland side and how long will the activity take? Paul Shea states there’s a telephone pole currently there and the area is already disturbed. The activity should take less than a day and recommends the work be done in good weather.

Motion made by Brad Chase to approve the Request for Determination of Applicability at 30 Lothrop Avenue to install underground electric utility in the existing gravel driveway with a -2, -3, -6 and a +2B . Seconded by Carolyn O’Leary. 6-0-0

Notices of Intent:

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 from Ryder and Wilcox

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

Nicole Smith: Abstaining from any comments or questions as she is also employed by Ryder & Wilcox.

- Stephanie Sequin summarizes the brick patio and outdoor kitchen project. She is proposing an increase 136 sqft of hardscape this is adjacent to the building with in the existing lawn area and Removing 225 sqft of patio. Net reduction of 89 sqft and will restore native plantings. 500 sqft of Mitigation plantings for a reduction in hardscaping. Outside of that nothing else has changed from the original proposal.

Ernie Crabtree discusses the structure with in the 50ft buffer zone and concerned about the Visibility.

- Stephanie Sequin states Mr. Dasco has exclusive use of this outside area.

John Rossetti asked if this is visible by the public and that the Harwich by-law states No new structure within the 50 foot buffer.

Brad Chase states this is not a hardship however this might be a where the mitigation is a net improvement that could justify consideration because the site is so altered to begin with.

Carolyn O'Leary asked if removing the pizza oven is an option.

- Stephanie Sequin said it's something Mr. Dasco wants and he couldn't attend today's meeting.

Rob Mador states it's a usage thing and the board set a precedence in a similar project a month ago at 2097 Rt 28.

Ernie Crabtree states he is in favor of the change in the patio structure with corresponding mitigation and deny the construction of the outdoor kitchen.

- Stephanie Sequin requests to continue to the next meeting of June 21, 2017.

Motion made by Ernie Crabtree to continue until June 21, 2017. Seconded by Carolyn O'Leary. 5-1-0. Opposed by Rob Mador.

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 5/17/2017)

- Nicole Smith states that the NHESP has not gotten back with their comments and the hearing should be continued until June 21, 2017.

Motion made by Brad Chase to continue until June 21, 2017. Seconded by Ernie Crabtree. 6-0-0

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 sonatubes) 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.

Presenter: Paul Shea from Independent Environmental Consultants

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

- Nicole Smith comments that Amy Usowski noticed the application is not complete we are still awaiting recording information the book and page and wetland delineation field data sheets.

**Motion made by Brad Chase to continue until June 21, 2017. Seconded by Carolyn O'Leary.
5-1-0 Opposed: Rob Mador.**

Extension Requests

John Connelly/Old Mill Point Association Inc, Herring River East to Pleasant Street Beach, Map 1 Map 2 Parcels J1-111, J1-D, M2, A1-82 (SE32-2169) (continued from 4/19/17)

- Nicole Smith states Amy Usowski recommends a 3 year extension if they stop using sand bags. Sand bags were under a different permit. She also discussed better erosion control options so that the beach raking can continue.

Walter Diggs asked for a Motion.

Brad Chase asked for a discussion. He would like an annual report of the beach raking.

Motion was made Brad Chase to extend the beach cleaning for 3 years with the condition that the extension can be shortened if the annual report compliance does not occur and would like the Commission to review quarterly. Seconded by Ernie Crabtree. 6-0-0

Ayer Lane Property Owners Association, Association Beach Pine St. to Pilgrim Road, Map 7 (SE32-1774) (Continued from 4/19/17)

- Nicole Smith states that Amy Usowski recommends the 3 year extension. This association only asked to clean their beach once per year.

Motion was made by Carolyn O'Leary to extend the beach cleaning for 3 years at Ayer Lane Property. Seconded by Brad Chase. 6-0-0

Certificates of Compliance

John & Charlotte Randall, 1 Squash Meadow Road, Map 99 Parcel G5-11 (SE32-2207)

- Nicole Smith recommends the signing of a Certificate of Compliance for 1 Squash Meadow Road. **Motion made by Carolyn O’Leary to sign the Certificate of Compliance for 1 Squash Meadow Road. Seconded by Walter Diggs. 6-0-0**

Graham & Joan Lloyd, 456 Long Pond Drive. Map 104 Parcel KI-2 (SE32-2187)

- Nicole Smith recommends the signing of Certificate of Compliance for 456 Long Pond Drive..

Motion made by Ernie Crabtree to sign the Certificate of Compliance for 456 Long Pond Drive. Seconded by Carolyn O’Leary and Rob Mador. 6-0-0.

Orders of Conditions:

Amended Order: Donald Eldredge, 90 North Rd, SE 32-2239 – Amend to include creation of view, path to marsh edge, and small sitting area.

Motion made by Brad Chase to approve to amend the Order of Conditions for 90 North Road. Seconded by Carolyn O’Leary. 6-0-0-

Cranberry Valley Golf Course/Robert Cafarelli, 183 Oak St, SE32-2295

- Nicole Smith recommends to wait for a determination from Division of Fisheries & Wildlife because it’s Box Turtle habitat.

Walter Diggs requests to continue the Cranberry Valley Golf Course Order of Conditions Until June 21, 2017.

The Belmont Condos, 1 Belmont Rd, SE 32-2294

Motion made by Brad Chase to approve the Order of Conditions of The Belmont Condo Assoc. Seconded by Rob Mador. 6-0-0

MINUTES

Minutes of May 17, 2017

Motion made by Ernie Crabtree to approve the Minutes of May 17, 2017 with edit on page 2 & page 3. Seconded by Brad Chase. 6-0-0

Nicole Smith to make edit on page 2 and page 3.

Discussion and possible vote

Management of water level at Bells Neck Cranberry Bogs

- Brad Chase discusses the future of the Bells Neck Bog he agrees with Amy Usowski that we should flood the Bog in the month of June and to have a future discussion on what to do with the Bog.

Motion made by Brad Chase to flood the Bog in the month of June and discuss the future of the Bog. Seconded by Carolyn O'Leary. 6-0-0

ADJOURN

Motion made By Rob Mador to adjourn the regular meeting at 9:20 P.M.

Motion made by Rob Mador to adjourn the regular meeting and go into Executive Session, not to return to regular session.

Seconded by Brad Chase. Vote 6-0-0 Roll Call vote to enter Executive session, Walter Digs, Ernie Crabtree, John Rossetti, Carolyn O'Leary and Brad Chase.

**SIGN IN SHEET
Donn B. Griffin Room**

**Michael Lach – Harwich Conservation Trust
Richard Judd – Moran Engineering Associates
John David -Eldredge Surveying & Engineering LLC
Stephanie Sequin – Ryder & Wilcox
Paul Shea from Independent Environmental Consultants
John Connelly- Old Mill Point Association Inc
Thadd Eldredge – 43 Saquatucket Bluffs**