



TOWN OF

HARWICH

732 Main Street  
Harwich, MA 02645

CONSERVATION COMMISSION

(508) 430-750-7538 FAX: (508) 430-7531

HARWICH CONSERVATION COMMISSION

WEDNESDAY MARCH 1, 2017

DONN B. GRIFFIN ROOM  
HARWICH TOWN HALL  
6:30 PM

MINUTES

**PRESENT:** Walter Diggs; Brad Chase; John Rossetti; Ernie Crabtree; Carolyn O'Leary; Rob Mador, and Conservation Administrator, Amy Usowski.

**CALL TO ORDER**

6:30 PM by Chairman Walter Diggs

**HEARINGS**

**REQUEST FOR DETERMINATION OF APPLICABILITY**

6:40 **Linda Adams and Jon Greenblatt, 21 Eastgate Road, Map 78, Parcel C2** - Re-built with new footings and strengthened framing existing screen in porch. Remove existing porch stairs. Add new open porch section measuring 10x20' (open porch will be to the East of existing porch). Remove existing RR ties below porch and replace with construction grade cedar. Cut down a few trees to enhance view of the pond. (Continued from 2-15-17).

Presenter: Bob Chiarello

The applicant would like to put new footings under an existing, permitted screen porch. This porch is partially in the 50' No Disturb Zone, but the Commission allowed this porch when the house was originally permitted prior to the 50' No Disturb Zone Bylaw. They wish to remove the hazardous set of stairs on the west side of the porch. They also wish to add a 10' x 20' porch to the east side of the house in the 50 -100' buffer zone. This area is devoid of really any vegetation right now. The owners don't have a lawn because they don't want one. They have wood chips around the home on this side.

Walter Diggs asked how close to the water (Robbins Pond) is the property. Answer: 300 or 400 feet.

Amy Usowski said the owners want a barbeque as well. They make application for timber walls and vista pruning (trees) on as separate application.

Ernie Crabtree asked where the grill would be placed on the plot plan. The applicants want to put down a piece of bluestone on the wood chips to set the grill on as a safety precaution (18" x 2.5' pad for grill according to presenter.

Walter Diggs asked if the area abuts the chimney. Answer Yes.

Carolyn O'Leary agreed that a grill on wood chips may be a safety hazard. She agrees with mitigation on the slope.

Rob Mador said that the pad should be 2 to 3 times larger than the grill. He recommends a 4' x 8' pad base of bluestone.

Amy Usowski said she wants a sketch on the plan where the pad will be with three copies.

**Motion made by Ernie Crabtree to approve 21 Eastgate Road with a Negative Determination #3 with documentation regarding the grill. Seconded by Brad Chase. Vote: 6-0-0.**

**6:30 Dr. Jack Robinson, 31 Mill Road, Map 15, Parcel U3** - Upgrade of an existing septic system servicing an existing 9 bedroom, single family dwelling.

Presenter: Lynne Hamlyn - Hamlyn Consulting

Septic does not require any variances. It is an Upgrade to Title 5.

Amy Usowski stated it is all in the lawn area (no trees or shrubs; pump and fill; no real disturbance). She recommends approval with a Negative Determination #2 and #3.

**Motion made by Carolyn O'Leary to approve the project for 31 Mill Road, Map 15, Parcel U3 with a Negative Determination #2 and #3. Seconded by John Rossetti. Vote: 6-0-0.**

**6:36 Dr. Jack Robinson, 23 Mill Road, Map 15, U4-32** - Upgrade of an existing septic system servicing a 4 bedroom, single family dwelling.

Presenter: Lynne Hamlyn - Hamlyn Consulting

The top of Coastal Bank is defined by the velocity flood zone at this site. There is nowhere outside the 100' buffer zone to the coastal bank that they can put the system, so they are trying to comply to the maximum extent feasible by putting it as far away as it can possibly be. There will be a minimum of 6 feet between the bottom of the system and groundwater; no groundwater was encountered during the test holes.

This project does require a variance (reduced set back on a Coastal Bank, largely in existing drive way).

Amy Usowski recommends approval with a Negative Determination #2.

**Motion made by Ernie Crabtree to approve the project for 23 Mill Road, Map 15, U4-32 with a Negative Determination #2. Seconded by Carolyn O'Leary. Vote: 6-0-0.**

**NOTICE OF INTENT**

**6:54 Conrad J. Bletzer Jr., 19 Ships Haven Road, Map 12, Parcel Y3-9** – New bluestone patio off of the back porch. (Continued from 2-15-2017) (SE 32-2286).

Presenter: Kyle Milbier – Flagship Land Works and Mr. Conrad Bletzer

There currently exists an old concrete patio off the back of the house. 135 sq. ft. of that patio is within the 50' buffer zone, with a few square feet of it in the 50-100' buffer. They would like to remove the old patio and replace it with bluestone. The new patio would have less area in the 50' buffer zone (112 sq. ft. proposed) and be farther back from the wetland than existing. They do, however, wish to continue the new patio into the 50-100' buffer zone, and cover 562 sq. ft. in the 50-100' buffer with patio. This area currently has grass and an outdoor shower. The outdoor shower is proposed to be relocated as shown on the plan. The runoff from the downspouts on the house, patio, and shower would be directed into a drywell as part of the mitigation for the patio.

They are proposing a mitigation planting area for this work of 1200 sq. ft. This property backs up to the upper reaches of marsh off Allen's Creek. Along the edge of marsh/bank there are a lot of invasive plants which they would like to manually remove and replant with native species. There is also an area on the southeast side of the lot where the lawn goes almost all the way to the resource area, and they are proposing to plant some short native shrubs there, to better protect the resource area, but would also allow them to keep their view of the marsh.

Amy Usowski asked if the patio would be concrete or dry laid. Answer: Dry laid.

Amy Usowski said the net increase of 83 sq. ft. requires a variance. She said that after re-visiting the site she recommends a slight reduction of the patio width; keeping the mitigation with one more row of planting and removing the irrigated lawn in the 0-100' buffer.

John Rossetti asked if a small section of patio can be eliminated. Answer: There are steps there and they do not see any adverse effect. They are willing to add mitigation if needed, but did not want to over plant.

Amy Usowski made the suggestion that they keep the patio as shown on the project plan and adjust bank line as she suggested in her notes with added plants.

Ernie Crabtree asked how much lawn to be removed. Answer: Keep lawn intact and add plantings. Mr. Crabtree addressed issue of dry well. Answer: Twenty-four inches. Discussion of downspouts and their location.

Brad Chase discussed pulling the patio back or providing more mitigation for a variance.

Ernie Crabtree said he has been to the site and that he thinks it is an improvement, but that it is new construction in the 50' buffer

Rob Mador asked if anyone was concerned regarding grass being removed and suffocating new plants. Discussion of plant density (5' on center/5 gallon). Planting list suggested: 6 Eastern Red Cedars; 9 Arrowhead Viburnum; 9 Low Bush Blueberry; 9 Marsh Elder; 9 Bayberry, and 9 Beach Plum.

**Motion made by Ernie Crabtree to approve the project as proposed for 19 Ships Haven Road. Seconded by Rob Mador. Vote 5-0-1. (Carolyn O'Leary abstained).**

**7:14 Thomas & Lisa Cahill, 2097 Route 28, Map 109, Parcel B1-7** - Remove approximately 2512 sq. ft. of irrigated lawn and landscaping within 50' buffer and plant native vegetation. Add limited outdoor living space on the waterside of the house with 83 sq. ft. of permeable patio and 83 sq. ft. of cantilevered deck within 50' buffer. 410 sq. ft. of decking on pin piles is requested within the 100' buffer.

Presenters: Gordon Peabody and Kayla Anderson - Safe Harbor Environmental Management

Mr. Peabody described the plan as very unusual. He said it only works with sensitive areas. He said the owners loved their lawn, but that he has worked with the owner to remove 2500 sq. ft. of landscaped lawn and put in native vegetation. Mr. Peabody said he has a lot of respect for the owner in doing so. He also said that the deck the owners originally wanted near the water is now proposed on the side of the house. Mr. Peabody said that putting seed in the area (fescue) and removing the existing lawn and putting it somewhere else would be advantageous. His client would also be amicable to removing another patio near the garage as mitigation and removing invasive honeysuckle.

Amy Usowski said a lot of good can be done as well as expanding the living area. She said that there a lot of birds in the wetland. The wetland is being choked by invasives. They are proposing removing 102 sq. ft. of patio and requesting an addition of 83 sq. ft. addition in the 50' buffer.

Mr. Peabody said the existing patio is shaky and they would like to replace it with permeable pavers.

Amy Usowski would like to see additional mitigation. Mr. Peabody explained that the applicant is already giving 2500 sq. ft. of mitigation and he does not think they would be comfortable with more. Discussion of three year maintenance commitment.

John Rossetti discussed the deck expansion. Mr. Peabody explained the need for room for table and chairs on the deck and the ability to move around them. Discussion of not doing the 83 sq. ft. deck extension to the patio and adding footage to larger deck. Mr. Rossetti would prefer to not have deck strip to patio eliminated.

Ernie Crabtree discussed the irrigation system on the property. Answer: It does exist.

Paul McLaughlin, next door neighbor stated that a 400' deck would impinge on his view and his family's enjoyment of their property. He said that he spoke with Lisa Cahill and she told him they would consider reducing the size of the deck. He also said that the Chills plan on installing a hot tub. Mr. McLaughlin that there is noise from large parties outside and that the Cahills rent the property to people who are noisy. He would like to have the deck reduced in size and lowered in height.

Presenters said that the hot tub would be on the deck, but that the deck is not there yet.

Carolyn O'Leary asked for clarification of: square foot reduction and mitigation. She said that an 83' extension in the 50' buffer concerns her.

Brad Chase said he favors a stricter interpretation in the 0-50' buffer. He favors reducing expansion or no new structures in the 0-50'. He recognizes that a variance can be provided. He said that the ratio of 2500 sq. ft. mitigation is good, but he feels that new structures in the 0-50' do not come easily.

Lisa Cahill, homeowner asked if adding more vegetation on the south side in the 50-100' would make a difference.

Discussion: Brad Chase stated that they need to pull back expansion and add mitigation to the 0-50' toward Pleasant Bay.

Presenters said that they would like to continue the discussion with their clients.

**Motion made by Brad Chase to continue 2097 Route 28 to March 15, 2017. Seconded by Ernie Crabtree. Vote: 5-0-1 (Rob Mador abstained).**

### ORDERS OF CONDITION

**8:08 Harbourwatch Condominium Association, 371 Route 28, Map 13, Parcel A8** - Selective trimming and pruning 20-25' off the top of the bank for vista improvement. Also selective trimming to maintain the view corridor. No removal of roots and no lower than 3-4'. (SE 32-2289)

**Motion made by Ernie Crabtree to approve the Orders of Condition for 371 Route 28. Seconded by Brad Chase. Vote: 6-0-0.**

### CERTIFICATES OF COMPLIANCE

**8:14 Stephen B. Jones, Esquire, 22 Alder Lane, Lot 133, Map 80 Parcel D133-0 (SE 32-200)**

**Motion made by Ernie Crabtree to approve the Certificate of Compliance for 22 Alder Lane with a note that they come before the HCC with any changes. Seconded by John Rossetti. Vote: 6-0-0.**

### MINUTES

#### Minutes of February 1, 2017

**Motion made by Carolyn O'Leary to approve the Minutes of February 1, 2017. Seconded by Ernie Crabtree. Vote: 4-0-2.**

#### Minutes of February 15, 2017

**Edits:** Page 2 next to last paragraph - correct spelling of "Top of sloop" to "Top of slope"  
Page 3 first paragraph - correct spelling of "sloop" to "slope"  
Page 4 delete sentence  
Page 4 - Listen to audio tape for statement regarding \$1,000 revenue per acre (statement made by James Knieriem in 4<sup>th</sup> paragraph from bottom in reference to 9 Cranberry Trail).

**Vote: Postponed**

### DISCUSSIONS

1. Amy Usowski and Brad Chase plan to have a "Reef Revenue" discussion with the High School Principle.
2. Fish House, 11 Harbor Way - Emergency. Work delayed due to fabrication. Hearing Officer wants to see work before starting. Work to start tomorrow, March 2<sup>nd</sup> on steel beams.

3. Harwich Wetlands Regulation Changes discussed. Ms. Usowski provided a "markup copy" to HCC. Approval needs to be at a public meeting. She said that it is not necessary to be approved at Town Meeting as they are "Regulations" and not Acts or By Law.

**ADJOURN**

**Motion made Ernie Crabtree to adjourn at 8:45 PM. Seconded by Rob Mador. Vote: 6-0-0**

Minutes respectfully taken and transcribed by Marie Hickey, Board Secretary

**SIGN IN SHEET  
Donn B. Griffin Room  
March 1,, 2017**

Conrad Bletzer, Jr.	19 Ships Haven Road
Kyle Milbier	Flag Ship Land Works
Lisa & Tom Cahill	2097 Route 28
Lynne Hamlyn	
Gordon Peabody	Safe Harbor
Kayla Anderson	Safe Harbor
Joy Cuming	Kline Architecture, Inc.

4-5-17  
W W Dugger