



TOWN OF

HARWICH

732 Main Street
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CONSERVATION COMMISSION
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HARWICH CONSERVATION COMMISSION
WEDNESDAY NOVEMBER 1, 2017
GRIFFIN ROOM
HARWICH TOWN HALL
6:30 PM

MINUTES

PRESENT: Robert Mador, Carolyn O’Leary, Ernest Crabtree, Stan Pastuszak, and Conservation Administrator Amy Usowski

ABSENT: Brad Chase entered the meeting 10 minutes late

CALL TO ORDER

6:30 PM by acting Chairman Robert Mador.

HEARINGS

Request for Determination of Applicability:

Virginia Chamberlain, 87 Route 28, Map 10 Parcel W-3. The proposed lifting of the existing dwelling and installation of a new foundation. Work will take place in Flood Zone AE (El 11).

Robert Mador announced the hearing. David Lyttle of Ryder and Wilcox represented the applicant and described the project. Mr. Lyttle noted that this property is in an AE Flood Zone. They have been before the Historic Commission as it is a historic house. They are required to have a brick veneer on the outside of the foundation to keep with the historic look of the house. The grades around the house will come up 2-3’, so they can then filed for a LOMA with FEMA, to get the structure out of the flood zone.

Amy Usowski agreed that this is on the very edge of the flood zone and far away from the river. She does not believe that this will cause any impact to adjacent properties in the event of the storm. She recommends approval with a Negative 2 Determination. Brad Chase entered the meeting and took over as Chairman.

Ernest Crabtree Moved to approve the project with a Negative 2 Determination, Robert Mador Seconded. The Conservation Commission approved the project with a vote of 5 in favor, 0 opposed.

Roseanne Howard, 92 Belmont Road, Map 3 Parcel T1-B. The proposed is Title-5 septic system work only. This septic upgrade project is proposed to replace the existing cesspool system. The existing system is to be pumped & removed. There are no additions or alterations proposed to the dwelling.

Brad Chase announced the hearing. Rick Judd of Moran Engineering represented the applicant and described the project. The block retaining wall has been omitted from the proposal. The grade around for the leach field will still be elevated.

Amy Usowski stated the tank will be 76' from the wetland at the closest point, and the leach field straddles the 100' buffer zone line. The whole property is within the flood zone. It is an improvement from existing conditions. She recommended approval with a Negative 3 Determination.

Brad Chase asked the origin of the wetland. Amy stated it was high groundwater, but it appears it was an old bog due to the old ditches present.

Carolyn O'Leary Moved to approve the project with a Negative 3 Determination, Ernie Crabtree Seconded. Project was approved with 5 in favor, 0 opposed.

Harwich Ecumenical Council for the Homeless Inc., 93 & 97 Main Street (Route 28), Map 10 Parcel W5 & W3-B. Remove Portion of multifamily dwelling and construct addition to the rear (#93); small portion of road construction; septic system upgrades for #93. & #97.

Brad Chase announced the hearing. Dan Ojala represented the applicant and described the project. The only resource area is Land Subject to Coastal Storm Flowage, which goes in and out of the property. The minor amount of flood needed for some of the septic systems will not have a negative impact in the event of a flood. More than half of the proposed project is not within Conservation Commission jurisdiction. The only work in jurisdiction is some of the road work and some of the septic components.

Amy Usowski stated that they have approval from the Planning Board. Mr. Ojala stated that he had been in touch with the Health Director and while they have not gone to the BOH yet, they did not anticipate any issues. She stated that this project is on the very fringe of the flood plain to the Herring River. The project is not within an NHESP protected area. She recommends approval but that they condition that not all of the natural vegetation within the limit of work be removed.

Rob Mador agreed that it would be nice not to remove all the natural vegetation in the work limit.

Ernest Crabtree asked if anything was to be done to the existing home at #93. Mr. Ojala stated that it is not flood compliant, but that since the cost of the proposed work is not more than 50% of

the value of the structure, it does not need to come up to flood compliance, so it is not proposed to at this time. Mr. Crabtree also asked for clarification on the leaching trenches shown along the road on the plan.

Carolyn O'Leary Moved to approve the project with a Negative 2 Determination and the condition to work closely with the Conservation Administrator to see what vegetation could be saved. Ernest Crabtree Seconded. The project was approved with 5 in favor, 0 opposed.

Notices of Intent:

David & Evelyn Grainger, 21 Uncle Venies Road, Map 17 Parcel R1-0.

SE 32-2307. Demolition of existing dwelling & tight tank. Construction of a new dwelling & tight tank within land subject to coastal storm flowage & within buffer zone to a salt marsh. **(Continued from September 20, 2017)**

Brad Chase announced the hearing. David Clark and Theresa Sprague represented the applicants. David Clark said they now have a restoration and mitigation plan. Theresa Sprague described the land management plan she had prepared.

Amy Usowski stated that though they are proposing to remove 2 compromised tupelo trees that they are proposing to replant 2 tupelos as well. It's nice to see trees being proposed to be planted. Lawn area would be reduced. As proposed, total restoration area is 3,310 sf, and she believes that this makes it eligible for a variance under the 50' No Disturb Zone.

David Clark said there is a net reduction in building but an increase in parking area. Brad Chase was concerned that the proposed deck was a foot closer to the wetland in the 50' buffer. David Clark said yes, but it is no closer to the wetland than the existing shed, which is proposed to be removed.

Ernest Crabtree asked if fill would be required to expand the driveway. David Clark said yes, but it will be minimal. It will also be needed around the tight tank. Fill would still be required regardless of the driveway.

There was some discussion on the size of tight tank.

Carolyn O'Leary asked how much fill would be needed. David Clark said about 3 yards at most. She also noted that the management of the invasives will need to be ongoing past the 3 growing seasons noted in the land management plan.

Ernest Crabtree Moved to approve the project, Rob Mador Seconded. Brad Chase asked if there was anything to add to the monitoring for vegetation? Amy Usowski said biannually the first year, then annually after that. Should be at least for three years. At the time of Cert of Compliance, ongoing maintenance could be allowed. 3 in favor, 1 opposed, 1 abstention. Motion passed, project approved.

The following applicant has filed a **Extension Permit for Order of Conditions**

Anne K. Helgren & Michael F. Gilligan, 74 Uncle Venies Road, Map 25 Parcel U722546. SE 32-1927. The 1 year extension is needed so the mitigation planting can be done during the growing season.

Brad Chase announced the request. Rick Roy of Rick Roy Construction was present representing the applicant. Project has already started but they are running out of time. Amy Usowski went over the history of the project.

Original notice was for an 18x20 addition, enlargement of the chimney, replacing of decking and relocation of the front door. All of this work has been completed.

Amended order was to add a screened porch and that work has not been started.

Project needs mitigation to be done, an as-built and a report from Wilkinson Ecological on the success of retention basin and swale. Upon speaking with the owner, she states all work will be done in 1 year. This has already been extended, so Amy recommends a 2 year extension just in case it takes a bit longer.

Ernest Crabtree asked for clarification on where the mitigation planting was put in. Amy Usowski clarified that it was landward of the existing natural vegetation along the BVW.

Rob Mador Moved to issue a 2 year extension, Ernie Crabtree Seconded. All in favor. 2 Year extension approved.

Order of Conditions:

Steven & Joanne Churchill, 17 Shore Drive, Map 78 Parcel B15. SE 32-2308.

Brad Chase moved to approve the Order of Conditions, Rob Mador seconded. Three in favor, 2 abstentions, motion carried.

Mark McKenney, 44 Smith Street, Map 19, Parcel A5. SE 32-2309.

Amy stated they submitted a plan showing reduction of 900 sq ft of lawn as requested by the commission. They also agreed to no irrigation and no fertilization in the buffer zone.

Brad moved to approve the order of conditions, Ernie seconded. Three in favor, two abstentions, motion carried.

Minutes-Minutes shall be subject to review, discussion, editing for suggested changes and/or deletions, and a vote shall be taken for acceptance and approval.

August 16, 2017.

Ernie Crabtree moved to approve the minutes of August 16, Rob Mador seconded. All in favor, minutes approved.

Discussion and possible vote:

1. Cranberry Valley Golf Course 183 Oak Street

No clearing was supposed to take place within the 50' no disturb zone to the wetland for the construction of the new golf cart barn we approved a few months ago. They started work without notification, and the work limit was not properly staked out, so they did clear in the 50' buffer. Amy directed the town to do an 'existing conditions' site plan to see just how bad it is, and we can then discuss replanting. She did note that fines are a definite possibility, and right now they have a Stop Work Order on them.

Amy recommends an Enforcement Order to replant at a 2:1 ratio for what was altered without a permit. Ernie moved to issue an Enforcement Order for a minimum of 500 sq ft of native planting in the buffer zone. Stan Pastuszek seconded. All in favor, motion carried.

2. 2079 Route 28- Theresa Sprague from Blue Flax Design to come show you an initial concept plan for proposed alterations to the approved planting plan they have. The old consultant has been fired, and Theresa hired to take on the mitigation planting.

Theresa Sprague from Blue Flax Design was present to represent the applicant. She has just been brought onto the project now and she wasn't part of the original filing. Her client would like to re-work the mitigation. The Conservation Commission did require more than 3:1 mitigation, but this was agreed upon by the previous representative.

Amy explained that there may have been disagreement between the previous consultant and the owner, and instead of just herself advising the new consultant, she thought it prudent for Theresa to come and speak with the whole commission before pursuing an amendment.

Brad Chase says typically applicants dangle a lot of mitigation in front of the Commission to offset expansion in the buffer zone, but he personally favors retreat.

Carolyn O'Leary just wanted to clarify that the hot tub which was originally requested was not actually approved. Theresa Sprague said no, and that no hot tub has been installed.

Discussion continued on the 83 sq ft of cantilevered deck in the 0-50' buffer that was approved because of the extensive mitigation and the fact that the structure would have no adverse impact to the resource area as it is elevated and over lawn, and the amount of shading has not increased.

There was discussion on whether to enhance the buffer around the isolated vegetated wetland or to focus on reducing lawn and improve the buffer to the beach, which is separated from the lawn by a concrete wall.

Elimination of herbicides and pesticides would be looked upon favorably. Theresa will contact Amy to go over the existing Order of Conditions. Converting to an organic program was discussed. Theresa will bring back all these comments and thoughts to the owner.

A meeting out in the field was discussed, with a concept plan given ahead of time to the commissioners. Brad wants to see something in writing first before they go out. Continue this discussion until December 6, 2017.

3. 49 Lovers Lane –

Dennis and Phyllis Gaudenzi were present for the discussion. Amy Usowski reminded the Commission of the issue of construction of a split-rail fence in the 0-50' and 50-100' buffer zone without a permit. She posed the question to the commissioners if they would have granted the variance or not had it come before them with an application prior to installation.

Mr. Gaudenzi stated he called the building department and they said he didn't need a permit. He said they only asked about height and they said no permit was needed. Amy stated that we are working on cross-training the staff in the community development department of town hall.

Ernie asked about the purpose of the fence. Mr. Gaudenzi stated it was decorative.

Procedurally Brad would like to see an after-the-fact filing, and would like to see mitigation planting. He does not think this fence is having any sort of adverse impact.

Carolyn O'Leary expressed how discouraged she was about the amount of after-the-fact work that has been going on lately.

It was recommended to the Gaudenzi's that they file an after-the-fact RDA. Mitigation plantings should be included.

4. 593/597 Depot Street –

Amy stated she had issued an Administrative Review Permit for them to put in a driveway no more than 12' wide partially within the 50-100' buffer from an abandoned cranberry bog that has reverted to a freshwater swamp so long as they didn't remove any trees. They removed at least 3 trees. A fine has been issued and it has been paid. She recommends an after-the-fact RDA. The work was fairly benign but should have been an RDA.

Brad asked if there was any work done in the 0-50' buffer zone? No.

Mr. Watkins gave a little bit of history on the parcel and what happened.

5. 15 Cora Lane –

Amy followed up with the owners Lou and Laurie Sirigano about the removal of the existing lawn and the installation of the loam some of us saw at their property when we did site visits last time. They said that they were just replacing the existing irrigation system and not expanding it or lawn area on the property. What she saw out there did look like some expansion of lawn area. It's hard to tell exactly since we don't have a plan that shows where the edge of natural vegetation was before. They are going forward with the planting plan we approved for them.

She told them the new lawn had to be a native grass mix – no sod or non-native grasses were allowed.

The Commission agreed to see how things play out with the mitigation planting and make sure they do a native seed lawn and not a turf lawn.

Other Business Not Reasonable Anticipated by the Commission:

Representative needed from Conservation to the Community Preservation Committee. Our representative would be a voting member. There were no volunteers – this will be taken up again at a future meeting.

The Selectmen voted to dismantle the formal Trails Committee, but these people will still be a stewardship group that will work with the Conservation Department to take care of our conservation lands.

9:02pm – Ernie Crabtree moved to Adjourn, Brad Chase seconded. All in favor, meeting adjourned.

Minutes Transcribed by Amy Usowski, Conservation Administrator

Audience in Attendance:

David Lyttle
Rick Judd
David Clarke
Theresa Sprague
Rick Roy
Dennis and Phyllis Gaudenzi
Geoff Watkins
Dan Ojala