

*7 32 Main Street
Harwich, MA 02645*

HARWICH CONSERVATION COMMISSION - MINUTES

PHONE (508)-430-7538 FAX (508)430-7531

TUESDAY, November 1st, 2023 – 6:30 PM

TOWN HALL - GRIFFIN ROOM – HYBRID PARTICIPATION

Commissioners and Staff Present: Chairman John Ketchum, Wayne Coulson, Alan Hall, Jim Atkinson, Mark Coleman, and Conservation Administrator Amy Usowski

Commissioners Absent: Sophia Pilling, Brad Chase

Audience and Representatives Present: Matt Lautenberger, Matt Farrell, Roy Okurowski, Arlene Wilson, Tom Smith, Stephanie Sequin

Call to Order

Chairman John Ketchum called the meeting to order at 6:30PM and the Pledge of Allegiance was recited.

The following applicants have requested an Amended Order of Conditions:

James R. Sullivan & Helena E. Kadar, 39 Mill Rd previously 2 Brora Dr, Map 15, Parcel V1-3, SE32-2465. Addition of vista corridor management.

Matt Lautenberger, of Wilkinson Ecological Design, was present as a representative. He discussed relevant portions of the request, noting that the property has completed construction and that the proposed view corridor would only involve the removal of four saplings, and mitigation is proposed. Ms. Usowski mentioned that the applicants are also seeking a one-year extension to allow the recent plantings to establish, and that very minimal work needs to be done to create the proposed corridor since it is not a complete clear-cut view. She recommended approval of the amendment and one-year extension.

Mr. Atkinson moved to close the public hearing and approve the amendment to the Order of Conditions with a one-year extension. Seconded by Mr. Coleman. No further discussion from the Commission. Vote: 5-0. Motion carried; amended order of conditions approved.

The following applicants have filed a Notice of Intent:

David & Mary-Anne Schubert, 49 Sequattom Road, Map 101, Parcel T2-2 and T2-1. SE32-2543. Proposed dock replacement with boat lift, bench, and kayak rack within the waters of Long Pond. *(Continued from 10/18/23 meeting)*

Matt Farrell, of JM O'Reilly Association, was present as a representative. He discussed relevant portions of the application, noting that he had received a 'no take' correspondence from the National Heritage and Endangered Species Program. Ms. Usowski recommended approval.

Mr. Atkinson moved to approve the Notice of Intent with the condition that the offseason storage for the project would be outside of the 50-foot buffer zone and the resource area. Seconded by Mr. Coleman. No further discussion from the Commission.

Vote: 5-0. Motion carried; notice of intent approved.

Ronald Haberkorn, 47 Vacation Lane, Map 72, Parcel L289. SE32-2544. Pruning of vegetation for access to and view of the pond. *(Continued from 10/18/23 meeting)*

Ms. Usowski informed the Commissioners that she has received a 'no take' correspondence from the NHESP for this project and recommended approval with the condition that a pile of debris and trash be removed from the buffer zone and disposed of properly, that further cuttings would be identified in collaboration with the Conservation Administrator, and that no use of chemicals or fertilizer would be used within the Commissions jurisdiction.

Mr. Atkinson motioned to approve the Notice of Intent with the conditions that the pile of debris and trash be removed, that further cuttings would be identified in collaboration with the Conservation Administrator, and no use of chemicals or fertilizer would be permitted within the Commissions jurisdiction. Seconded by Mr. Coleman. No further discussion from the Commission.

Vote: 5-0. Motion carried; notice of intent approved.

David & Mary Tourigny, 4 Chase St, Map 4, Parcel N3-B. SE32-2542. Replacement of dock and float in same footprint.

Roy Okurowski, of WRS Engineering, was present as a representative and discussed relevant portions of the application, noting that the proposed project would have only 3 or 4 pilings, and that the location has at least 3 feet of water at low tide. He described the removal process of the old dock, noting that the old material will be taken away on a barge, and that some piles will be left intact and driven in with a hammer.

Ms. Usowski stated that the proposed plan will reduce the number of piles in the marsh and that the new dock would be higher than the current one, which meets current requirements. She asked Mr. Ukurowski what the spacing would be on the deck and confirmed that it met the requirements of $\frac{3}{4}$ of an inch. Ms. Usowski stated that the gangway and float would need to be stored outside of the 50-foot buffer zone in the offseason. She noted that the landward side of the float would not sit in enough water at mean low tide to meet requirements and recommended approval with the condition that boats may only be stored on the seaward side.

Mr. Ketchum mentioned that he noticed a topped cedar during his site visit to the property. Ms. Usowski offered to write a letter to the owners of the property to gather more information, in addition to discussing a shed on the property, to be handled separately. Mr. Ketchum noted the obvious presence of fertilizers and herbicides in the front lawn and suggested alternative management styles. Ms. Usowski suggested addressing this with the owner as well.

Mr. Okurowski asked to receive details about permits to resolve any issues. Ms. Usowski agreed and said that she would assist the owner with the process.

Mr. Atkinson motioned to approve the Notice of Intent with the condition that boats only be stored on the seaward side of the float and that the gangway and the float be removed from the resource area and stored outside of the 50-foot buffer zone during the offseason. Seconded by Mr. Coleman. No further discussion from the Commission.

Vote: 5-0. Motion carried, notice of intent approved.

Daniel Corey & David Mogan, 9 & 11 Herring Run, Map 3, Parcels X3-2 & X3-3. Construction of new shared dock with float and dredging.

Ms. Usowski stated that the applicants have requested a continuance to address concerns and provide a mitigation plan.

Mr. Atkinson motioned to continue the discussion to the 11/15/2023 meeting. Seconded by Mr. Coleman. Vote: 5-0. Motion carried; hearing continued.

Allens Harbor Beach Associates, Off Dunes Rd, Map 5, Parcel Y1. SE32-2545. Reconstruction of pedestrian pathway for beach access, including boardwalk and seasonal mobi mats.

Arlene Wilson, of AM Wilson Associates, and Bill Lionetta, of Allen Harbor Beach Associates, were present as representatives and discussed relevant portions of the application, including that the purpose of the reconstruction is to increase access. Ms. Wilson described the different types of material that would be used in the project, a proposed rope for steadying walkers with mobility issues, and the proposed seasonal mobi-mats. She explained that a path made entirely out of mobi-mats was not an option due to cost of removal.

Ms. Usowski recommended continuation because the NHESP has not communicated on this project. She asked Ms. Wilson to clarify the coverage of grid, and Ms. Wilson confirmed that “100 feet” was an error and that she would get a correction. Ms. Usowski asked for details on vegetation maintenance, and Ms. Wilson confirmed that hand watering would be used but no fertilizers. Ms. Usowski said that monitoring checks would be necessary to ensure compliance and noted that the dunes are being affected by pedestrians and recommended reducing the length of the mobi-mat since the high tide mark will submerge them at the proposed length. The Commissioners agreed that mitigation is favorable.

Mr. Ketchum suggested a condition to ensure that any issues would be addressed in the future and noted that cutting the dune is not ideal for the project. Ms. Wilson offered to provide a protocol for addressing the dunes condition. Ms. Usowski asked for a description of the maintenance of the existing boardwalk. Mr. Lionetta shared his concerns about accessibility and pedestrians stepping off the path and said that maintenance issues have not occurred on the ‘trex’ material but that the shifting of the primary dune has caused some maintenance issues.

Mr. Ketchum commented that many lawns in the area appear to be using chemicals and fertilizer and urged a shift to natural lawns. Ms. Usowski offered to provide guidance and advice on natural lawns for any curious homeowner.

Mr. Atkinson moved to continue the hearing to the 11/15/23 meeting. Seconded by Mr. Coulson. No further discussion from the Commission.

Vote: 5-0. Motion carried, meeting continued.

The following applicants have applied for an Extension to their Order of Conditions:

47-52 North Road Realty Trust, 47 North Road, Map 19 Parcel S2. SE32-2428. Bulkhead repair.

Stephanie Sequin, of Ryder Wilcox, and homeowner Tom Smith were present remotely as representatives. Ms. Usowski updated the Commission on answers from the project engineer, Lars Jensen, and a third-party assessment of the property that is being planned. She asked the representatives for a timeline on borings.

Mr. Smith informed the Commission that he has retained a structural engineer to complete the borings in the next two weeks. Ms. Usowski requested a specific date as soon as possible.

Ms. Usowski recommended a six-month extension. The Commissioners discussed the length of the proposed extension and the types of work to be performed in the project.

Mr. Atkinson moved to approve a six-month extension with the condition that the Commission be provided with updates on the project at the first meeting of each month. Seconded by Mr. Coulson. No further discussion from the Commission.

Vote: 5-0. Motion carried; extension to order of conditions approved.

The following applicants have requested a Certificate of Compliance:

Lindalee Victoria Oswald, 140 Clearwater Rd, Map 73, Parcel S110, SE 32-1539. Installation of Septic System.

Ms. Usowski informed the Commission that the project was completed according to the approved plan and recommended a Certificate of Compliance.

Mr. Coulson moved to grant a Certificate of Compliance. Seconded by Mr. Coleman. No further discussion from the Commission.

Vote: 5-0. Motion carried; certificate of compliance approved.

Discussion and Possible Vote
2024 Hearing Schedule

Ms. Usowski informed the Commission that some meetings are scheduled for Thursdays because of holidays.

Mr. Coleman moved to adopt the schedule as presented. Seconded by Mr. Atkinson. No further discussion from the Commission.

Vote: 5-0. Motion carried; schedule adopted.

Update on Herring River Study

Ms. Usowski informed the Commission that two complete proposals for the study are available for review. The Commission discussed budget and criteria for choosing a proposal.

Bells Neck Conservation Area

The Commission discussed proper road maintenance materials in the Bells Neck area and the consequences of using poor materials. The Commission asked Ms. Usowski to correspond with the Department of Public Works on proper road maintenance.

Low-Lying Road Study

The Commission discussed the progress of the low-lying road study and options for drainage retention. Ms. Usowski described past work that has been done around the Herring River.

Minutes

10/18/2023

Mr. Coleman moved to approve the minutes from 10/18/23. Seconded by Mr. Atkinson. No further discussion from the Commission.

Vote: 5-0. Motion carried, minutes approved.

Adjournment

Mr. Coulson moved to adjourn the meeting at 8:18. Seconded by Mr. Coleman.

Vote: 5-0. Motion carried. Meeting adjourned.

Respectfully submitted by Kalea Trudeau, Executive Assistant.