



TOWN OF HARWICH

732 Main Street
Harwich, MA 02645

HARWICH CONSERVATION COMMISSION - MINUTES
PHONE (508)-430-7538 FAX (508)430-7531
WEDNESDAY, DECEMBER 20TH, 2023

TOWN HALL - GRIFFIN ROOM – HYBRID PARTICIPATION

Commissioners and Staff Present: Mark Coleman, Wayne Coulson, Alan Hall, Sophia Pilling, James Atkinson, and Conservation Administrator Amy Usowski

Commissioners Absent: Chairman John Ketchum and Bradford Chase

Audience and Representatives Present: Dan Ojala, John O'Reilly, and Martha Knapp

Call to Order

James Atkinson called the meeting to order at 6:30PM and the Pledge of Allegiance was recited.

The following applicants have requested a Determination of Applicability:

Neil Weinbaum, 6 Harwich Pines, Map 103, Parcel S1A-10, RDA-23-17. Replacement of existing raised deck in the same footprint.

Dan Ojala of Down Cape Engineering was present in person as a representative and discussed relevant portions of the application. He noted that the proposed deck would be 4 square feet larger than the existing deck and that 40 square feet of mitigation is proposed.

Ms. Usowski informed the Commission that the project location is within habitat mapped by the National Heritage and Endangered Species Program but that it is exempt from review because the expansion is minimally significant, and the project is essentially a replacement. She noted that the applicants requested a variance anyway and that the increase would not move the structure closer to the wetland. She recommended that the variance be granted with a negative 3 determination.

No further discussion from the Commission.

Mr. Coleman moved to approve the request for Determination of Applicability with a Negative 3 Determination. Seconded by Mr. Coulson. Mr. Coleman amended the motion to approve the variance. Seconded by Mr. Hall.

Vote: 5:0. Motion carried; variance approved.

Clifford & Rebecca Willy, 9 Hiawatha Road, Map 5, Parcel G5-1, RDA-23-18. Raze and replace single family dwelling within a flood plain.

John O'Reilly was present virtually as a representative and discussed relevant portions of the application. He stated that the resource area at the project location is land subject to coastal storm flowage and that the new foundation will be flood compliant.

Ms. Usowski reviewed the requirements of projects on land subject to coastal storm flowage and stated that a flood compliant foundation and new drainage systems would be beneficial to the area. She discussed the benefits of the project with Mr. O'Reilly and recommended approval with a negative 2 determination.

No further discussion from the Commission.

Mr. Coleman moved to approve the request for Determination of Applicability with a Negative 2 Determination. Seconded by Mr. Coulson.
Vote: 5-0 Motion carried; determination approved.

The following applicants have requested an Amended Order of Conditions:

Alfred Weaver, 23 Wequasset Road, Map 5, Parcel K1-42, SE-32-2503. Installation of additional fiber rolls.

Ms. Usowski stated that the applicants have requested to withdraw their application without prejudice. She noted that there is no apparent erosion at the site and that new fiber rolls have been installed recently.

No further discussion from the Commission.

Mr. Coleman moved to withdraw the application without prejudice. Seconded by Mr. Coulson.
Vote: 5-0 Motion carried; application withdrawn without prejudice.

The following applicants have filed a Notice of Intent:

Daniel Corey & David Mogan, 9 & 11 Herring Run, Map 3, Parcels X3-2 & X3-3, SE32-2546. Construction of new shared dock with float and dredging. (*Continued from 12/6/23*).

Applicants have requested a continuance to January 3, 2024.

No further discussion from the Commission.

Mr. Coleman moved to continue the public hearing to the January 3rd, 2024 meeting. Seconded by Mr. Coulson.
Vote: 4:0:1 Motion carried; hearing continued.

Order of Conditions:

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.

No discussion from the Commission.

Mr. Coleman moved to close the public hearing and approve the Order of Conditions. Seconded by Mr. Hall.

Vote: 5:0 Motion carried; Order of Conditions approved, and public hearing closed.

The following applicants have requested a Certificate of Compliance:

Darryl J. Swanson, Trustee of Lwood Realty Trust, 9 Herring Run Road, Map 36, Parcel L1-1. SE32-2320. Additions, renovations, and septic installation.

Ms. Usowski informed the Commissioners that the property has changed hands but that several items that were not permitted remain on the property, including the patio and the driveway, but that the fence has been removed, and that it is unknown if the roof runoff has been put into drywells. She commented that the patio is within the 200-foot riverfront buffer zone, and that mitigation would be required, but that the driveway was more of an issue with the Health Department and that it was being looked into. She recommended a Certificate of Compliance with a requirement of a 2:1 mitigation ratio and drywell installation.

Ms. Atkinson asked Ms. Usowski to clarify her recommended conditions and she explained the process again. Mr. Atkinson commented that he would like to see the Administrative Review completed before discussing the Certificate of Compliance. A consensus was reached by the Commission to table the discussion to issue a Certificate of Compliance until the Administrative Review Permit is issued.

Martha Knapp of Kinlin Grover Realty was present virtually as a representative and noted that the water system under the driveway is rated for driving and that drywells have been installed elsewhere on the property. Mr. Coulson commented that the plans which state that the water system under the driveway is rated for driving should be verified before the next discussion. The Commission decided to table the discussion until the plans are verified and the Administrative Review Permit is issued.

Minutes

12.6.23

Mr. Coleman moved to approve the minutes from 12.6.23. Seconded by Ms. Pilling.

Vote: 4:0:1 Mr. Hall abstained. Motion carried; minutes approved.

Discussion and Possible Vote

Review of monitoring reports for Hinkley pond.

Ms. Usowski suggested moving the discussion to the next meeting since two Commissioners were absent. She noted that additional pond sampling data may be available at the 1.3.24 meeting. A consensus to move the discussion to the 1.3.24 meeting was reached.

Adjournment

Mr. Coleman moved to adjourn the meeting at 7:59pm. Seconded by Mr. Coulson.

Vote 5-0. Motion carried, meeting adjourned.

Minutes respectfully submitted by Kalea Trudeau, Executive Assistant.