



TOWN OF

HARWICH

732 Main Street

Harwich, MA 02645

HARWICH CONSERVATION COMMISSION - MINUTES

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

WEDNESDAY MAY 24, 2023 – 6:30 PM

TOWN HALL - GRIFFIN ROOM – HYBRID PARTICIPATION

Commissioners and Staff Present: Chairman John Ketchum, Jim Atkinson, Alan Hall, Wayne Coulson, Stanley Pastuszak, Brad Chase (arrived at 6:32pm), Sophia Pilling and Conservation Administrator Amy Usowski

Commissioners Absent: Mark Coleman

Audience and Representatives Present: Kelly Grant, Mark Burgess, Jason Heyer, Nancy O’Shea, Mark McGowen, John Tian and Laura Tian.

Call to Order

Chairman John Ketchum called the meeting to order at 6:30PM.

HEARINGS

Request for Support for 2 Conservation Restrictions:

White Pond Conservation Restriction – 2 Old Chatham Road

Ms. Usowski clarified the request to support the restrictions for the Board of Selectman to approve, not to hold the restrictions and stated she recommends sending a letter of support for both properties.

Kelly Grant, Land protection Specialist with The Compact of Cape Cod Conservation Trusts, discussed the relevant portions of the proposed Conservation Restriction noting the property has 300’ of pond shoreline and in a map zone II.

The Board asked what Conservation Restrictions consists of, and about parking access. Ms. Grant responded it will strip away development rights and allow other uses, such as public access to the pond and land management activities in perpetuity, and there is no plan for any formal parking on the property.

Mr. Atkinson moved to issue a Letter of Support for the White Pond Conservation Restriction at 2 Old Chatham Rd. Seconded by Mr. Pastuszak. No further discussion from the Board.

Vote 6-0. Motion carries.

Herring River Marsh View and Coastal Resilience Conservation Restriction – 115 Sears Road and 8 Salt Meadow Road

Kelly Grant discussed relevant portions of the Conservation Restriction, noting the property is in the FEMA flood zone, abuts an existing conservation area and is recognized as a property which could allow salt marsh migration. The Restriction will allow public access and has existing parking on the neighboring property.

Mr. Atkinson moved to issue a Letter of Support for Herring River Marsh View and Coastal Resilience Conservation Restriction at 115 Sears Road and 8 Salt Meadow Road. Seconded by Mr. Pastuszak. No further discussion from the Board.

Vote 6-0. Motion carries.

The following applicants have filed a Notice of Intent:

Michelle Mann Abel, 18 Bob White Ln, Map 17 Parcel G4. Raze and replace single-family dwelling, construct a plunge pool, utility upgrades, installation of an I/A septic tank and pump chamber with associated grading and landscaping. (Continued from 4/5/2023)

Jason Heyer (remote participation), of Bracken Engineering was present and discussed the revised plan, noting the plunge pool and fire pit has been removed, there will be no additional septic work and the revised planting plan has more of a vegetated buffer.

Ms. Usowski summarized the Site Summary and said changes were made, such as the reduction in the 0-50' buffer to 121 square feet and appropriate native plantings. She would recommend approval of the project. Ms. Pilling requested that the large area of Japanese Knotweed on the existing mounded soil absorption field be removed. Mr. Ketchum asked what the increase in the 50'-100' buffer is and where it is located. The Applicant responded the increase in question is a small portion of the proposed deck, 14 square feet.

No further discussion from the Board and no public comment.

Mr. Atkinson moved to approve the Notice of Intent with an added condition to remove the Japanese Knotweed for 18 Bob White Ln. Seconded by Mr. Pastuszak.

Vote 6-0. Motion carries; Notice of Intent approved.

Dennis Maguire, 43 Shore Road, Map 2 Parcel B1-4. Shorefront protection. (Continued from 5/10/2023)

Mark Burgess, of Shorefront Consulting, and the Maguires were present. Mr. Burgess discussed relevant portions of the application, noting the soil borings found there was dune on the east of the property, but changed to coarse bank sand with small stone as you moved inland. He discussed the minor plan changes based on the results. Ms. Usowski discussed the soil sampling results, noting there were major differences in samplings inland and closer to the shorefront, with predominately dunes closer to shore. She furthered to say the property meets the performance standards for Coastal Bank and Coastal Dune on the East end, and because you cannot armor a dune, it is recommended to alter the plan, which the applicant has done. She recommended, with the changes made by the applicant, approval of the project.

The Board, Ms. Usowski and Mr. Chase asked how the sand nourishment will be monitored by "trigger point". Mr. Burgess stated a drill hole is placed at a specific elevation and when the hole is visible it is time to re-nourish. Ms. Usowski recommended monitoring annually and after any major storms. Mr. Chase requested the hole be an X so it is a well-defined benchmark.

Mr. Atkinson asked about what will be on the neighboring property that requires permission from the landowner and what happens if you don't get the permission. Mr. Burgess responded there will be nothing structurally on the

abutting property, but more of a sheeting, called a three-way to seal the gap and functions as a plug to prevent funneling. He said there is already a verbal agreement with the landowners.

Nancy O'Shea, 11 Rabbit Run, stated she supports the project and asked how the easement, allowing the neighborhood access to the beach, will be affected by the project and if the path will receive any sand nourishment. Ms. Usowski stated there is a legal agreement stating the town cannot place any sand on the easement or beach. Mr. Burgess responded because that easement is not owned by the Town, the property owner could potentially add sand themselves, without the Town's involvement.

Mark McGowen, Rabbit Run, said he supported the project, but has concerns about the revetment will affect the adjacent public beach. Mr. Burgess stated the revetment is designed to absorb wave energy and keep as much sand in the revetment. Mr. McGowen discussed his concerns over the maintenance of the adjacent public beach.

John and Laura Tian (remote participation), 44 Shore Rd, stated their support and project.

No further public comment.

The Board discussed that there is no mitigation plan and that would be required to approve the project and determined the hearing should be continued to the next meeting.

Mr. Atkinson moved to continue the hearing to May 24, 2023. Seconded by Pastuszek. The Board discussed what mitigation is required. Ms., Usowski suggested 1:1 mitigation because the sand nourishment should count towards 4:1 mitigation. Commission members requested to closely scrutinize their property to get the highest ratio possible. No further discussed

Vote 5-1. Motion carries; case continued.

Orders of Conditions:

Peter and Carolyn Chapman, 2026 Route 28 Head of the Bay Road, Map 99 Parcel V1. Remove previously cut and damaged trees and invasive vegetation in a view corridor and replace with native trees and shrubs that will not require pruning in the future.

Mr. Atkinson moved to close the public hearing and issue the Order of Conditions for 2026 Route 28 Head of the Bay Road, Map 99 Parcel V1. Seconded by Mr. Chase. No Discussion from the Board.

Vote 6-0. Motion carries; Hearing closed and Order of Conditions issued.

The following applicants have requested a Certificate of Compliance

William and Nancy Doherty, 20 Chase St, Map 4 Parcel N2-2, SE32-2490. Replacement of dock and float.

Ms. Usowski stated the dock and float match the plan, according to the plan stamped by the Engineer and observed during the site visit. She recommended a Certificate of Compliance for SE32-2490.

Mr. Coulson moved to issue the Certificate of Compliance for SE32-2490. Seconded by Atkinson. No discussion from the Board.

Vote 6-0; Motion carries; Certification of Compliance issued.

David Davis, 69 Snow Inn Road, Map 15 Parcel P3-A, SE32-751. Septic repair.

Ms. Usowski stated this repair was completed in the 1980's according to Board of Health records, but never received its Certificate of Compliance. She recommended a Certificate of Compliance for SE32-751.

Mr. Coulson moved to issue the Certificate of Compliance for SE32-751. Seconded by Atkinson. No discussion from the Board.

Vote 6-0; Motion carries; Certification of Compliance issued.

Discussion and Possible Vote:

Herring River Study - Request for Proposals

The Board and Ms. Usowski discussed the comments made by Greg Berman, Rachel Hutchinson and Tara Lewis, the Third-party individuals reviewing the proposal, noting the comments regarding site access, increasing the sample size 30 and effects of public access to the tidelines. They discussed cost for sampling all docks on the Herring River, versus 20 samplings because larger sampling size leads to more conclusive results. The Board determined to include all docks for the sample size and make adjustments if cost is too high. There were no significant changes from the Board and Ms. Usowski stated the proposal is a solid request and she is prepared to answer any questions from potential bidders.

Mr. Atkinson moved to issue the Request for Proposal for the Ecological Study of Potential Impacts of Water Dependent Structures to Wetland Resources in the Herring River in Harwich. Seconded by Mr. Chase. No discussion from the Board.

Vote 6-0. Motion carries.

Other Updates:

Ms. Usowski requested an Executive Session for next meeting.

Minutes

No minutes were submitted to the Board.

Adjournment

Mr. Atkinson moved to adjourn at 8:06PM. Seconded by Mr. Coulson. Motion carried, 6-0.