



TOWN OF

HARWICH

*732 Main Street**Harwich, MA 02645***HARWICH CONSERVATION COMMISSION - MINUTES****PHONE (508)-430-7538 FAX (508)430-7531****WEDNESDAY August 2, 2023 – 6:30 PM****TOWN HALL - GRIFFIN ROOM – HYBRID PARTICIPATION**

Commissioners and Staff Present: Jim Atkinson, Brad Chase, Wayne Coulson, Mark Coleman, and Conservation Administrator Amy Usowski

Commissioners Absent: John Ketchum, Alan Hall, and Sophia Pilling.

Audience and Representatives Present: Brad Malo, Don Monroe

Call to Order

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

The following applicants have filed a Notice of Intent

Town of Harwich, Skinequit Pond, Map 25. Proposed Alum treatment of pond.

Ms. Usowski represented the Town of Harwich and discussed relevant portions of the application. She noted Skinequit Pond has had numerous attempts to abate the algal blooms or improve water quality, but not have been successful and the excess of nutrients in the pond, such as phosphorus, is likely a result of previous farming operations. She stated the Town of Harwich and the Watershed Association of South Harwich received CPC funds to treat the pond.

The Commissioners and Ms. Usowski reviewed the Skinequit Pond Evaluation, specifically how effective the Alum treatment will be and if the surrounding watershed is source problem. Mr. Chase stated the expansion of human activity, such as dwellings and septic systems, is contributing to the problem, but from a cost standpoint, the Alum Treatment is a good approach. He furthered to say the lack of public access is a concern. Mr. Atkinson said he would like to see improved public access as well. Ms. Usowski responded that town residents voted to grant the funds at Town Meeting. Mr. Chase said this application should be reviewed by the Division of Marine Fisheries because it is connected to a fish run, and asked for explanation on how hypolimnetic oxygen demand was calculated or estimated. Mr. Usowski said she would request a continuance to notify the Division of Maine Fisheries. The Commission and Ms. Usowski discussed potential conditions and the timing of the treatment.

No public comment.

Mr. Mr. Coleman moved to grant a continuance for Skinequit Pond to August 16, 2023. Seconded by Mr. Coulson. Mr. Chase asked if two items could be explained at the next meeting: Is the dominant effect of legacy phosphorus based on the understanding of the watershed or baseline and how Hypolimnetic oxygen is determined.

Vote 4-0. Motion carries; case continued.

V & J Helfrich Realty Trust II, 33 Snow Inn Rd, Map 8, Parcel P3. Proposed addition to existing single-family dwelling.

Brad Malo, of Coastal Engineering, was present as representative and discussed relevant portions of the application, noting the site is appropriate for a mitigation constrained site because there is no buffer strip between the proposed work and the resources area. That area is already patio, fencing or buildings that are part of abutting properties and request the applicants pay a fee in lieu of mitigation.

Ms. Usowski stated the property is extremely developed with synthetic turf just landward of the bulk head that was approved previously by the Commission and there is nothing natural about the Coastal Bank. Although it is performing storm damage prevention and flood control, it is not providing sediment or habitat. She said this one of the few properties where payment in lieu of mitigation would be appropriate considering the Coastal Bank is already heavily impacted by development and noted it appears the property owner is using herbicides which is not allowed based on a previous Order of Conditions. She recommended approval with the in lieu of fees payment of \$2,060.

The Commission discussed possibilities of improving permeable surfaces, and asked if all the previous permits were closed out. Mr. Coleman stated he thinks there is an opportunity on this property for improvement and would like to see some mitigation. Ms. Usowski said she knows the most recent permit received a Certificate of Compliance, but she will double check any other permits.

Mt. Atkinson moved to approve the Notice of Intent for 33 Snow Inn Rd with fees in lieu of mitigation. Seconded by Mr. Coulson. No discussion from the Board.

Vote 3-1. Mr. Coleman: Nay. Motions carries; Notice of Intent approved.

Karen C. Argus Revocable Trust, 109 Riverside Drive, Map 4 Parcel A3-A2. Proposed reconstruction of licensed dock, Bank Stabilization and dredging.

Don Monroe (Remotely), of Coastal Engineering, was present as representative and discussed relevant portions of the application, noting approval from Waterways Committee and the Natural Resources Director didn't feel the small amount of dredging would require a shellfish study, but the applicant would mitigate with shellfish seed to the Town. He said the proposal would improve the existing structure by moving the platform, stairs and supportive pilings away from the coastal bank and salt marsh, and raising the entire structure to meet current requirements.

Ms. Usowski summarized the Site Summary and stated the proposal is a major improvement from what is existing but there is vegetation where the staircase is proposed, and removal of that vegetation could potentially lead to bank destabilized and requested more information from Mr. Monroe. She recommended approval of the project.

The Commission, Ms. Usowski and Mr. Monroe discussed changes that could be made to stairs, such as seasonal stairs with flush cutting of vegetation or a narrower set of stairs, and the Commissioners decided the changes in the stairs could be dealt with in the Order of Conditions if the application is approved tonight.

Mr. Chase said the previous dock likely impacted the coast bank leading to erosion and he would like to see annual reports for three years on the plantings and erosion rate. He would also like to see a more detailed planting plan and a shellfish survey. Ms. Usowski responded the planting area is very small and gave potential plant species to use. Mr. Monroe requested the planting specifics be included in the Order of Conditions and be a factor in the annual reporting. The Commission agreed the planting could be addressed in the special conditions. Ms. Usowski, Mr. Monroe and the Commissioners discussed whether a shellfish survey is required and if seeding is an appropriate mitigation or if habitat improvements are a better option. Ms. Usowski suggested installing salt marsh plugs and Mr. Monroe said that would be amenable. It was determined a combination of a one-time seeding and habitat improvements would be mitigation for the dredging.

No further discussion or public comment.

Mr. Chase moved to approve the Notice of Intent for 109 Riverside Dr with special conditions to not allow a boat to occupy the inside, or shore edge of the dock, mitigation for dredging will be a one-time 30 bushel seeding and salt marsh plugs to be specified by Ms. Usowski and annual reports of the vegetation status will be required for 3 years. Seconded by Mr. Coulson. No discussion from the Board. Vote 4-0. Motions carries; Notice of Intent approved.

The following applicants have requested a Certificate of Compliance:

Great Woods LLC, 7 Great Woods Rd, Map 104 Parcel E8-1-2, SE32-2371. Removal of parking area, installation of walkway, beach modifications.

Ms. Usowski gave a brief overview of the project and stated upon inspection this week, the property was in compliance, the plant restoration is doing very well and the office has received regular monitoring reports. She recommended the Commission grant the Certificate of Compliance.

Mr. Coulson moved to issue the Certificate of Compliance for SE32-2371. Seconded by Mr. Coleman. No discussion from the Board.

Vote 4-0. Motion carries; Certificate of Compliance issued.

Sophie Kurz, 1 & 3 Long View Ln, Map 104, Parcels N3-2 & N3-1, SE32-1899. Seasonal Dock

Ms. Usowski stated the property is in the process of being sold so the owners are trying to close out an old permit. She said upon inspection, it was obvious the dock is being stored within the resource area in the off season and gave the Board 2 options on how to resolve that:

1. Issue a fine of \$300 to the current owner and issue a cert of compliance for the property to be sold, as well as a letter for the new owner accompanying that cert regarding off season storage of the dock and in-season storage of the watercraft;
2. Issue the Cert of Compliance with no fine and just the letter to the new owner.

The Commissioners discussed the options and determined option two would be most appropriate for this case.

Mr. Coulson moved to issue the Certificate of Compliance for SE32-2371. Seconded by Mr. Coleman. No discussion from the Board.

Vote 4-0. Motion carries; Certificate of Compliance issued.

Announcements

Joint meeting with Select Board on August 7, and site visit on August 9 regarding 374 Main Street Property and the Draft Intermunicipal Agreement with Cape Cod Technical High School.

The Commissioners discussed who is available for the August 7th meeting and August 9th Meetings.

Discussion and Possible Vote

Bells Neck Land Management Plan Revisions.

Ms. Usowski said revisions are being made but not finalized yet and she asked Mr. Chase if there was anything specific regarding Climate Change he wanted in the plan.

Minutes

Mr. Coulson moved to approve the minutes for the July 19th, 2023 meeting. Seconded by Mr. Chase. No further discussion.

Vote 4-0. Motion carries; minutes approved.

Ms. Usowski updated the Commission on the Piping Plovers at Red River Beach.

Mr. Coulson asked to discuss the fence at the gas station abutting Dairy Queen. Ms. Usowski stated she will notify the owner and put it on the Agenda for the next meeting.

Adjournment

Mr. Coleman moved to adjourn at 8:04pm. Seconded by Mr. Chase.

Vote 4-0. Motion carries; meeting adjourned.

