



TOWN OF

HARWICH

732 Main Street

Harwich, MA 02645

HARWICH CONSERVATION COMMISSION - MINUTES

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

WEDNESDAY AUGUST 16, 2023 – 6:30 PM

TOWN HALL - GRIFFIN ROOM – HYBRID PARTICIPATION

Commissioners and Staff Present: Chairman John Ketchum, Jim Atkinson, Mark Coleman, Sophia Pilling, Alan Hall, Wayne Coulson, Brad Chase (arrived at 6:50pm) and Conservation Administrator Amy Usowski

Commissioners Absent: Brad Chase

Audience and Representatives Present: Matt Farrell, Dan Croto, and Phil Cheney

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 a Determination of Applicability

David & Mary-Ann Schubert, 49 Sequattom Rd, Map 101, Parcel T2-2. Install new septic system. Removal of paved driveway. Replace with gravel driveway and new walkway from driveway.

Matt Farrell, of J. M. O'Reilly & Associates, was present as representative and discussed relevant portions of the application, noting the dwelling currently has cesspools and the steep driveway will be removed and re-graded to be flat with gravel, reducing road runoff. He stated the Board of Health approved the project.

Ms. Usowski confirmed the material to be used for the driveway will be gravel and stated the project is removing one tree, but a Title V septic system is an overall improvement from the existing cesspools. She recommended approval with a negative 3 determination with conditions that the driveway will be gravel and no fertilizers or chemical application within the 100' buffer.

No discussion from the Commission or public.

Mr. Atkinson moved to approve the Request for Determination of Applicability for 49 Sequattom Rd, with a negative 3 determination and with the conditions that the replacement driveway shall be gravel and no fertilizer or chemicals shall be used within the 100' buffer. Seconded by Mr. Coleman. No discussion from the Board.

Vote 5-0. Motion carries; RDA is approved.

Barry Harwick, 38 Martha's Ln, Map 43, Parcel B6-6. Remove existing deck and hardscape. Construct new deck, patio with hot tub and retaining wall.

Dan Croto, of Moran Engineering, Phil Cheney, Landscape Architect, and the property owners were present. Mr. Croto discussed relevant portions of the application, noting the work will add 200sq ft of hardscape within the buffer and there is 400' sq ft of mitigation proposed.

Ms. Usowski stated property within the 50'-100' buffer to a Bordering Vegetative Wetland and the mitigation will include converting lawn to native plantings. She stated the site is very natural, however, during the site visit, dumping of lawn debris was observed, and should cease immediately. She recommended approval with a negative 3 determination with conditions to cease composting and piling cut vegetation within the buffer, if the hot tub water is ever drawn down or removed then it has to be trucked off site and not dumped in an wetland, or buffer zone, and no fertilizers or chemical application within the 100' buffer.

Ms. Piling asked what plantings, if any, will be used near the retaining wall. Mr. Cheney responded that the area is small and annuals or perennials will be used. Ms. Piling requested the applicant have any perennial plantings approved the Ms. Usowski. Mr. Cheney responded that there is no planting plan at the moment for that area but will talk with Ms. Usowski before decisions are made with the owners.

No Public Comment

Mr. Atkinson moved to approve the Request for Determination of Applicability for 38 Martha's Ln, with a negative 3 determination and with conditions to cease composting and piling cut vegetation within the buffer, if the hot tub water is ever drawn down or removed then it has to be trucked off site and not dumped in an wetland, or buffer zone, and no fertilizers or chemical application within the 100' buffer. Seconded by Mr. Coleman. No discussion from the Board.

Vote 6-0. Motion carries: RDA is approved.

The following applicants have filed a Notice of Intent

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

John Ketchum recused himself because he is direct abutter to Skinequit Pond.

Ms. Usowski was present, representing the Town of Harwich, and Ann Helgen was present, representing Water Association of South Harwich. Ms. Usowski summarized the letter from Mass. Division of Marine Fisheries. She stated Ken Wagner responded to the inquires from the Commission regarding the collection of oxygen data. Mr. Wagner said oxygen demand was calculated from existing data the Town of Harwich collected and the evaluation of past versus current phosphorus inputs comes from watershed evaluation using historic maps and other possible sources.

The Commissioners, Ms. Usowski and Ms. Helgen discussed possible reasons for algal blooms. Mr. Chase requested monitoring reports for at least three years and for the treatment to be done after the juvenile herring leave, which would be after October 15th. Ms. Usowski responded that the treatment must be done before water temperature is below 40 degrees, and is amenable to treatment in later October.

Ms. Helgen discussed the report by Ken Wagner, the properties surrounding Skinequit Pond and past algal blooms. Mr. Atkinson expressed concern about the lack of public access to Skinequit because this proposal is using public funding. Ms. Usowski responded there is a small public path to the pond that the Town could better maintain.

No Public Comment.

Mr. Chase moved to approve the Notice of Intent for the Alum Treatment of Skinequit Pond with the conditions to provide a full monitoring report for 3 years and a monitoring report of key parameters for three years after, and treatment to begin after October 15th. Mr. Atkinson requested to amend the motion by adding a condition to improve public access to the Pond. The Commission and Ms. Usowski discussed if requiring increased public access in the conditions is within the purview of the Commission. Mr. Atkinson withdrew his amendment and

proceeded with Mr. Chase's original motion. Seconded by Mr. Coulson
Vote 5:1 – Mr. Atkinson opposed. Motion carries; Notice of Intent approved.

Order of Conditions

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

Mr. Atkinson moved to close the public hearing and issue the Order of Conditions for SE32-2536, 33 Snow Inn Rd, Map 8, Parcel P3, Seconded by Mr. Coleman. No discussion from the Board.
Vote 5-0. Motion carries; Order of Conditions issued.

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

Mr. Ketchum requested one minor spelling error in special condition seven to correct. Mr. Chase asked if the plantings in the marsh were included in the Order of Conditions. Ms. Usowski read the special condition that included the plantings. No further discussion.

Mr. Atkinson moved to close the public hearing and issue the Order of Conditions for SE32-2537, 109 Riverside Drive, Map 4 Parcel A3-A2, Seconded by Mr. Coleman. No discussion from the Board.
Vote 5-0. Motion carries; Order of Conditions issued.

Discussion and Possible Vote

New fence within buffer zone to a wetland at 435 Route 28

Ms. Usowski stated she sent out an enforcement letters to the owners of 435 Route 28 because there appears to be fence and small structure within the buffer without proper permitting and requested to add the discussion to the Sept 6th meeting which will allow the owners time to respond. She also updated the Commission on 47 North Rd, which experienced bulkhead failure after a storm, and an emergency certification was issued to prevent future erosion. She said she has a meeting with Town Council this week regarding how the damage may affect the ongoing litigation and will add an executive session to the end of the agenda for next meeting to update the Board. Ms. Usowski stated the County Sherriff flew a drone over the area of Bells Neck, Hall's Island, where an illegal commercial camping operation was reported but dense tree cover made it difficult to see anything and staff will go out with an officer soon. Also, the Health Department issued a Cease and Desist to the person who is advertising a campground on Halls' Island. The Commission and Ms. Usowski discussed Harwich's Shorebird season and fledging numbers.

The Commission discussed when to schedule a site visit to 374 Main St and decided on 8/25/23 at 3:00pm.

Minutes

Mr. Ketchum abstained from voting for the minutes because he was not present for the meeting.

Mr. Coleman moved to approve the minutes for the August 2nd, 2023, meetings. Seconded by Mr. Atkinson. No further discussion.
Vote 5-0. Motion carries; minutes approved.

Adjournment

Mr. Atkinson moved to adjourn at 7:45pm. Seconded by Mr. Chase.
Vote 5-0. Motion carries; meeting adjourned.

Respectfully submitted by Lecia McKenna, Assistant Conservation Agent.