



TOWN OF

HARWICH

732 Main Street

Harwich, MA 02645

CONSERVATION COMMISSION
(508)430-7531

(508)-430-7538 FAX

HARWICH CONSERVATION COMMISSION – MINUTES

WEDNESDAY, NOVEMBER 7, 2018

6:30 P.M.

SMALL HEARING ROOM, HARWICH TOWN HALL

Present: Brad Chase, John Ketchum, Stanley Pastuszak, James Donovan, Mark Coleman, Ernie Crabtree and Conservation Administrator Amy Usowski.

Call to Order

By Chairman Brad Chase.

HEARINGS

Request for Determination of Applicability

Frank Popkiewicz, 8 Ruth Lane, Map 32 Parcel K4-25. Install bluestone under deck, hot tub, privacy fence.

Presenter: Matt Ernst

Applicant would like permeable patio within footprint of existing deck area. There will be a ½” gap between pavers. They would also like to enclose the area under the 2nd story deck. Work does not get any closer to the resource area than already exists. Planting of clethera shrubs is proposed, however Donovan requests that a few more shrubs be planted of a second species. Usowski would like the conditions that this area does not become livable space and that the hot tub water is not drained into the resource area. Coleman would like a 6” or 1’ wide trench with stone in order to catch any water from the bluestone pavers. **Motion by Mark Coleman to find a negative 3 determination with conditions and amendments discussed. Seconded by James Donovan. Motion approved unanimously.**

Harwich Water Department, Lower County Road. Replace 12” diameter water pipeline. They have requested an automatic continuance until November 19th. **Motion to continue to November 19, 2018 by Brad Chase and seconded by James Donovan. Motion approved unanimously.**

Notices of Intent

Christopher Barton, 11 River Pine Circle, Map 11 Parcel P3-15. Replace existing fiber rolls with rock revetment (continued hearing).

Presenter: Mark Burgess, Emma Vantour

The applicant would like to install a revetment. Due to the site conditions, nourishment and fiber rolls are not working. The revetment is the next best option. The plan has been updated to show more native shrubs, 3 Eastern Red cedars, transplanting of large grasses to another area and removing all mulch. The slope will be blanketed and seeded with native grasses and wildflowers. Usowski approves of the updated planting plan. She believes that the applicant has demonstrated that soft solutions will not work and that this is the best option for the site. DMF supplied a letter with conditions that will be included in the Order of Conditions. Donovan would like no fertilizer use, even if it is organic. A benchmark will be installed to aid with monitoring and the as-built shall contain elevations. **Motion to approve the Notice of Intent by Stan Pastuszak and seconded by Mark Coleman. Motion approved unanimously.**

Roberta Dudeck, 53 North Road, Map 117 Parcel P3-3. Repair and raise existing revetment (continued hearing).

Presenter: Mark Burgess, Dan O’Leary

The applicant would like to repair the existing revetment by adding stones and re-grouting. Coleman would like the grout to have a quickset of about 30 minutes. Dan O’Leary submitted a narrative and mulch will be removed, plantings done and a native seed mix for ground cover. The grade will be changed so that runoff won’t drain into the river. There will be no use of pesticides, herbicides or fertilizers. **Motion to approve the Notice of Intent by James Donovan and seconded by Stan Pastuszak. Motion approved unanimously.**

Rick Vayo, 85 Sequattom Road, Map 101 Parcel W3-2. Bulkhead and boathouse reconstruction, dock construction, access path, stair relocation, tree cutting and site restoration (continued hearing).

Presenter: Mark Burgess, Rick Vayo, Dan Croteau, Emma Vantour

The bulkhead wall was moved landward and in front of the wall will be undisturbed wetland. The deck was reduced and reconfigured to get it out of the BVW. The Commission is questioning how long the bulkhead can be considered grandfathered after it has failed and this will be looked into. The bulkhead has been gone for a year, but there are still components of it, and while it is in disrepair Vayo believes it still counts as being there. Chase questioned if the mitigation was enough for the deck. With the combination of plantings, enhanced BVW, moving the wall and returning areas to the naturalized state the applicant believes the 3:1 mitigation is met. Donovan believes the pathway will be too much disturbance. Burgess stated that there will be a lot of initial disturbance, but once complete there will be no impact to the resource area. The path will be seeded. If the

applicant is considering moving structures out of the 100' buffer zone then Donovan would like a building envelope restriction on the lot. Usowski would like more restrictions on the pond side area. Chase has concerns with the deck being a new structure in the no disturb zone. **Motion to continue to November 19, 2019 by Brad Chase and seconded by Stan Pastuszek. Motion approved unanimously.**

Town of Harwich, Hinckley's Pond, Map 91 Parcel K4. The treatment of Hinckley's Pond with aluminum sulfate/sodium aluminate to bind phosphorus (continued hearing).

Chase would like more details regarding dosage, timing, treatment and monitoring. Ketchum questioned why the dosage was so much larger than what was done in Long Pond. He would also like data on the current state of Long Pond and how it responded to the treatment. Pastuszek does not feel comfortable making a decision until there is data on potential harmful effects of alum treatments. Donovan would like to look at the large issue of nutrients entering the water and would like the Town to have a fertilizer plan for all Town properties. **Motion to continue to November 19, 2019 by Brad Chase and seconded by James Donovan. Motion approved unanimously.**

Jeffrey King, 30 Lothrop Ave, Map 11 Parcel M6. The construction of a wooden deck at the back of the house and minor alterations to eliminate water from entering the basement entry (continued hearing). **Motion to continue to December 5, 2019 by James Donovan and seconded by John Ketchum. Motion approved unanimously.**

Jeff Lang, 99 Riverside Dr, Map 4 Parcel A3-A1. Addition and driveway reconfiguration.

Presenter: Kieran Healy.

The applicant would like to put an addition on an existing building. There will be no work in the 0'-50' buffer. The driveway will also be reconfigured and mitigation plantings will be done. The plans were developed before the regulations were changed to include 60' no build zone. They are providing additional mitigation for work in the 50'-60' buffer. Usowski stated that the majority of the house is closer to the resource area than the proposed addition. She would like to see more clarification on invasive removal and a more formalized planting plan containing types, numbers and spacing. She would also recommend allowing the removal of a couple of hazard pitch pines. Donovan would like them to be replaced with other trees such as red cedars. Chase would like to see lawn removal as mitigation over invasive removal. Healy stated that some lawn is proposed for plantings. **Motion to continue to November 19th by Brad Chase and seconded by Stan Pastuszek. Motion approved unanimously.**

Ty Cronin, 211 Route 28, Map 11 Parcel X2-B. Construct multi-use building with associated stone parking and landscaped areas; installation of a new septic system.

Presenter: Dan Croteau, Ty Cronin

The applicant would like to add free standing garage with apartment above to the lot. The septic will be upgraded from a cesspool to a Title V system roof drainage for both buildings will go into drywells. Work is located in the flood zone and Usowski stated the foundation must be flood compliant. With the stone parking, planted swale and plan for roof runoff, she does not foresee this causing flooding issues on neighboring properties. Once planting specifications are

determined, she can recommend approval. **Motion to approve the Notice of Intent by Mark Coleman and seconded by Stan Pastuszak. Motion approved unanimously.**

Chase Street Properties, 20 Chase Street, Map 4 Parcel N2-2. Proposed removal of dwelling, outbuilding and garage; construction of a new dwelling and guest house, replacement of timber steps and mitigation.

Presenter: Laurie Clark, Phil Cheney, David Lyttle

Applicant is proposing a demo and rebuild of a dwelling. Timber steps will be replaced with stone. The dwelling will utilize the existing septic and there will be a new septic for the guest house. The project results in a reduction of coverage in the 0'-50' and an increase in coverage in the 50'-100' buffer. Updated calculations for coverage in the riverfront need to be provided. There is about 1,000 sq. ft. of new plantings and 3 areas that will not be mowed and allowed to naturalize. Some trees need to be removed, but this is a heavily treed lot. No part of the work will be closer to the resource area than what exists. Some fill will be added in order to get the guest house out of the flood zone. Usowski calculated that minimum mitigation is 1,970 sq. ft. Crabtree stated he doesn't necessarily agree that letting areas naturalize should count as mitigation because they shouldn't have been disturbed in the first place. He also wondered why not move everything outside of the 0'-50' buffer. The house was situated for view and the applicant would rather increase mitigation. They will work with the agent and update the plan. **Motion to continue to November 19th by Brad Chase and seconded by James Donovan. Motion approved unanimously.**

Orders of Conditions

James P. Carney, 6 Saquatucket Point, Map 8 Parcel G1-9. Proposed maintenance dredging and beach nourishment. **Motion to approve the Order of Conditions by James Donovan and seconded by Stan Pastuszak. Motion approved unanimously.**

Jerald Facey, 8 Whippoorwill Lane, Map 73 Parcel B249 & B250. The installation of a seasonal floating pier and dock on Bucks Pond. **Motion to approve the Order of Conditions by James Donovan and seconded by John Ketchum. Motion approved unanimously.**

Certificates of Compliance

Daniel A. Pettingill Qualified Personal Residence Trust, 49 Saquatucket Bluffs, Map 8 Parcel G1-4. Proposed beach stairs. Will send letter asking them to move kayaks outside of buffer zone.

Vincent & Maureen Petroni, 110 Grey Neck Road, Map 11 Parcel X4-A. Construct garage.

John R. Welch, 42 & 44 Snow Inn Road, Map 8 Parcel N3-A. Demolition of dwelling, grading & landscaping. Will send letter asking that they make sure the mitigation areas are well planted.

Harwich Conservation Trust, 2 Deacons Folly Road, Map 46 Parcel N21. Construction of a dwelling.

Motion to approve the four certificates of compliance by John Ketchum and seconded by James Donovan. Motion approved unanimously.

Minutes

Motion to approve June 20, 2018 minutes by Brad Chase and seconded by James Donovan. Motion approved unanimously.

Discussion and Possible Vote

Encroachment on various town conservation lands: Dumping and creation of new trails on town lands is becoming more common. The protocol will be to try to find who is responsible and get in contact with them and ask the police to have more of a presence to deter ATV use.

Motion to adjourn by Brad Chase and seconded by James Donovan. Motion approved unanimously.

In attendance at meeting:

Larry Ballantine, Dan Croteau, Mark Burgess, Rick Vayo, Matt Ernst, Emma Vantour, Peter Hollis, David Lyttle, Jeff Lang, Sandy Wycoff, Carol Spiegel Walter, Ty Cronin, Kieran Healy, Laurie Clark, Phil Cheney

Minutes Transcribed by Nicole Smith, Assistant Conservation Agent.

