



TOWN OF

HARWICH

*732 Main Street*

*Harwich, MA 02645*

CONSERVATION COMMISSION

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**HARWICH CONSERVATION COMMISSION – MINUTES**

**WEDNESDAY, OCTOBER 16, 2019--6:30 P.M.**

**SMALL HEARING ROOM, HARWICH TOWN HALL**

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

**Call to Order**

By Chairman Brad Chase.

**HEARINGS**

**Notices of Intent**

**Mary Judge, 6 & 10 Neel Rd, Map 9-A7 Parcels 1 & 2.** Shorefront protection.

**Presenter:** Don Munroe

Mark Coleman is abstaining.

The dune has lost 3'-5' recently and they would like to rebuild the two interior groins and add sand under mean high water in order to move mean high water seaward about 6 feet. The new slope would be 10:1 and sand will not be added below mean low water. A heavy duty sand drift fence will be installed and covered with sand. The Commission questioned at what point the fence becomes so heavy duty that it acts as a coastal engineering structure (CES). Munroe stated that the fence is not acting like a CES because wave and sand action can still occur. A boardwalk is proposed for beach access to keep foot traffic off the dune. Harbormaster and Natural Resources have no comments on the project. Usowski recommended a roll up seasonal walkway. She will have Greg Berman out to the site to evaluate and submit a report. NHESP has not given a response yet, but there is concern the fence could impact plover habitat. DMF stated this is within mapped area for eelgrass and shellfish. Work must remain 100' away from an eel grass bed, but an eel grass survey cannot be done until summer. It was noted that all beach equipment and kayaks need to be stored upland. **Motion to continue to November 6, 2019 by James Donovan and seconded by Stanley Pastuszak. Motion approved 3-0-1 with Mark Coleman abstaining.**

**John & Ileana Chandler, 115 Sequattom Rd, Map 102 Parcel N5-2. Dock.**

**Presenter:** Matt Farrell

The L-shaped portion of the dock was reduced to be 10'x10' and an 8' extension was added to make 3.1' of water at the end of the dock. The structure was moved west to meet the 25' setback from property lines. The deck on the beach will be removed, but the other deck and stairway have been there since at least 1980 when the previous owners bought the property and they would like to keep it. Usowski would like seasonal dock storage to be further from the resource area and she would like planting at the toe of the slope. Waterways Committee has signed off on the plan. There will be a condition that if 50% of the dock needs to be replaced, the dock should become a more temporary aluminum structure. The Commission would like the dock stored outside of the 50' buffer. **Motion to approve by James Donovan and seconded by Stanley Pastuszak with the previously mentioned conditions regarding replacement and storage. Motion approved unanimously.**

**Joseph Preston, 0 Sequattom Rd, Map 101 Parcel W2-C. Storm damage repairs.**

**Motion to continue to November 6, 2019 by Stanley Pastuszak and seconded by Mark Coleman. Motion approved unanimously.**

### **Show Cause Hearing**

**New Staircase at corner of Daisy Lane/Sequattom Road. Presenter:**

**Presenter:** Laurie Phillips

There was discussion on site last year to replace existing concrete stairs and it was decided it was a doable project, but a filing would need to be submitted. It was brought to the Department's attention that work was occurring and was near completion and no permit application had been submitted. The staircase does not conform to the Staircase of Inland Bank regulations. The concrete steps were placed at the tow of the slope and are now acting as a revetment. The only item that was given permission was to add a simple handrail down the bank. A Stop Work Order was issued. Usowski stated the stairway will need to be re-built and a NOI, with plans, should be filed. The Commission can decide if they require an engineered plan or if a contractors plan is sufficient. Crabtree stated there appeared to be a lot of disturbance to the slope during construction of the stairs. A layer of tight weaved jute matting should be placed on the disturbed areas immediately. There is no point to seed at this time of year. Donovan stated that he agreed that an NOI should be filed and that the stairs will need to be elevated. Ketchum reiterated that all work within 100' of the resource area needs to be at least be discussed with the Conservation Department and possibly the Conservation Commission, depending on the work. Usowski will put everything in writing, including next steps, so that there is no confusion. Usowski stated due to the extent of the work including stairs, planting requirements and concrete wall an NOI would be needed. Crabtree stated he prefers expedience over requiring an engineered plan and Coleman suggested a planting plan and contractor drawing of stairs. An engineered site plan and NOI would be needed for the concrete wall or similar type of structure. Usowski stated it would be ok to do an RDA for the stair issue, but an NOI for the wall or erosion control issues. The concrete can remain for now, as the Commission doesn't want the area to become more unstable, but will

need to be removed within 6 months and replanted unless an NOI is filed. The RDA needs to be filed within a month. Ketchum suggests holding off on fines and see what progress is made. If progress is not made, fines may still be issued. **Motion to file an RDA by November 18, 2019 and to stabilize the slope within one week by Mark Coleman and seconded by Stanley Pastuszak. Motion approved unanimously.**

### **Orders of Conditions**

**Alfred & Carol Novak, 30 Harbor Rd, Map 15 Parcel U15-A.** Pier, ramp, float and dredging. Donovan wanted to add that the dock impacts the access to the public resource of shellfishing. Usowski will add impacts to recreation to the OOC. Coleman stated he is not in support of the denial. **Motion to approve the denial OOC for 30 Harbor Rd under the WPA and Town bylaw and regulations and to close the hearing. Motion by James Donovan and seconded by Stanley Pastuszak. Motion approved 3-1-0 with Mark Coleman against.**

**Swavi Osev, 197 Rt 28, Map 11 Parcel U3-C.** Demolish existing structures and construct a new dwelling. **Motion to approve the order of conditions by Mark Coleman and seconded by James Donovan. Motion approved unanimously.**

**Wychmere Harbor Real Estate LLC, 23 Snow Inn Rd, Map 8 Parcel P2.** Seasonal deck, tiki bar, lockers and mitigation plantings. **Motion to approve the OOC by Stanley Pastuszak and seconded by James Donovan. Motion approved unanimously.**

**Thomas Dudeck, 53 North Rd, Map 19 Parcel M1.** Vegetation management and new driveway. **Motion to approve the Order of Conditions by Mark Coleman and seconded by Stan Pastuszak. Motion approved unanimously.**

### **Requests for Certificates of Compliance**

**Joseph & Maureen Barry, 36 Wequasset Rd, Map 5 Parcel K1-61.** Deck and addition.

**Cranberry Pointe Partnership, 111 Headwaters Dr, Map 81 Parcel B1.** Reissue COC.

**Motion to approve the COCs for 36 Wequasset Rd and 111 Headwaters Dr by James Donovan and seconded by Stanley Pastuszak. Motion to approve unanimously.**

**Mark McKenney, 44 Smith St, Map 19 Parcel A5.** Metal outbuilding.

**Brendan Glynn, 20 Brooks Rd, Map 5 Parcel K1-A5.** Additions and modifications.

44 Smith Street and 20 Brooks Road are not ready to be voted on at this point.

### **Minutes**

**Motion to approve the March 6, 2019 minutes, with changes, by James Donovan and seconded by Mark Coleman. Motion approved unanimously.**

### **Discussion**

**Water management in the Bells Neck Bogs-**Cape Cod Mosquito Control changed the water levels in the bog because of a mosquito problem. Coleman stated the property is being neglected and discussions never lead to any action. Ketchum would like a consultant to come in and discuss how to make a management plan. The Commission discussed creating a sub-committee for bog management. The Commission will try to schedule a business meeting to discuss this topic.

**Adjournment**

**Motion to adjourn by John Ketchum and seconded by Stan Pastuszak. Motion approved unanimously.**

Minutes Transcribed by Nicole Smith, Assistant Conservation Agent.

In attendance: Don Munroe, Maiza Eloy, Ronaldo Eloy, Laurie Phillips, Beth Winmill, Matt Farrell