



TOWN OF

HARWICH

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Harwich, MA 02645

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

HARWICH CONSERVATION COMMISSION - MINUTES

WEDNESDAY OCTOBER 7, 2020 - 6:30 P.M.

Commissioners and Staff Present Remotely: Chairman Brad Chase, John Ketchum, Carolyn O’Leary, Stanley Pastuszak, James Donovan, Mark Coleman, Ernest Crabtree, and Conservation Administrator Amy Usowski

CALL TO ORDER

By Chairman Brad Chase at 6:30pm.

HEARINGS

All hearings shall be subject to discussion, taking of testimony, review of submitted and documents which may result in a vote being taken to approve or deny a project; or to issue a continuance to a time and date certain in order to receive and review further information as needed.

Requests for a Change in Plan

Jeffrey Lang, 397 Route 28, Map 13 Parcel D1, SE 32-2424. Removal of a foundation that was originally to remain and progress update. **Representative:** Jeff Handler
Final grading is about to occur and then they will work on stabilization of the property. They want to remove the exposed part of one building in order to complete the grading, but they will not be fully removing the foundation. They would like to maintain the right to build on the foundation. Usowski stated that the erosion control needs to be fixed, but she recommends approval of the building removal. The southeast corner had phragmites cut and removed and then debris was found and removed; this accounts for why the area looks disturbed. Coleman believes everything should be removed due to its proximity to the resource area and doesn’t believe the foundation has much value. **Motion to approve by Carolyn O’Leary and seconded by Ernie Crabtree. Motion approved 6-1 with Mark Coleman opposed.**

Mark Kelleher, Nantucket Sound, SE 32-2346. Would like to keep his gear in longer than the allowed October 1 – May 15 time period annually. **Representative:** Mark Kelleher

Kelleher would like to add bay scallops to his setup. He would like to keep 25' of line in until the following November to test how well bay scallops may do. Heinz Proft is fine with this and in two weeks he will be in front of Waterways Committee. Usowski recommends approval. O'Leary would like the opinion of the Waterways Committee before voting. **Motion to continue to October 21, 2020 by Brad Chase and seconded by Carolyn O'Leary. Motion approved unanimously.**

Requests for Determination of Applicability

Emily C. & H. Edward Duffy, 1 Mill Point Rd, Map 1 Parcel J1-112. Proposal to demolish existing single family dwelling, pool and patios and construct new.

Work is over 150' from the riverfront and is outside of the buffer to the coastal bank. The work limit will be silt fence. Usowski stated that the house will be further away than existing and there is a reduction in hardscape so she recommends approval. **Motion to approve with a negative 2 determination by Carolyn O'Leary and seconded by Mark Coleman. Motion approved unanimously.**

Thomas & Ruthe Nicholas, 20 Bishops Lane, Map 40 Parcel N5-0. Proposed Wetland Boundary Delineation. **Representatives:** Brad Malo and Derek Ball

They are looking to have the wetland boundaries confirmed by the Commission for use in possible future work. Usowski would like to know where the soil test sites were. The soil test went about 30" deep and showed upland soils. Soil samples are not readily affected by drought conditions. To be considered wetland there needs to be a combination of wetland vegetation, presence of water or wetland soils and the area above the ditches does not meet the required parameters. Usowski read an email into the record from an anonymous abutter. **Motion to approve the delineation by Carolyn O'Leary and seconded by Stan Pastuszak. Motion approved unanimously.**

Notices of Intent

Thomas Smith, 47 North Rd, Map 19 Parcel S2. Install sheet pile and deadmen to reinforce existing timber bulkhead. **Representative:** Thomas Smith

DEP has not issued an SE number so a final vote cannot be taken tonight. The applicant would like to put vinyl planking behind the existing bulkhead. An RDA was previously issued to fix the problems with the bulkhead, but it was realized the scope of the project need to increase and an NOI would be needed. The bulkhead must stay in the same footprint to stay in compliance with the Chapter 91 license. There has been work done without a permit that includes an outdoor shower and fencing around a condenser. The new septic system has still not been installed. Crabtree would like more formal filing paperwork with an engineered site plan and narrative of everything that is proposed for the property. He would also like the outdoor shower removed until it can be tied into a wastewater system. If the fencing and shower are removed the Commission is in favor of waiving a fine. **Motion to require removal of the fencing and shower and to continue the meeting until October 21, 2021 by Carolyn O'Leary and seconded by John Ketchum. Motion approved unanimously.**

Ronald & Maureen Pepin, 11 Georgia Lane - Waterfront Parcel, Map 104 Parcel D1-6.

Elevated walk and stairway and seasonal dock. **Representative:** Dan Croteau

Some approvals/comments are still needed from the state agencies and Waterways Committee. The dock meets the Town regulations. The walkway area has no major vegetation that will need to be removed. It is apparent people are using the slope to access the beach area so a walkway would be a better option. The Commissioners had no comment. **Motion to continue to November 4, 2020 by Brad Chase and seconded by Stan Pastuszek. Motion approved unanimously.**

Oliver Cox, 7 Sketcheconet Way, Map 4 Parcel C1-4. Proposed pier, ramp and float in Herring River. This applicant has requested a continuance until the November 4, 2020 meeting. **Motion to continue to November 4, 2020 by Brad Chase and seconded by Carolyn O'Leary. Motion approved unanimously.**

Donald Annino, 14 Mill Point Road, Map 1 Parcel J1-94. Proposed pier, ramp and float in Herring River. This applicant has requested to withdraw, without prejudice, the Notice of Intent for this project. **Motion to grant withdrawal without prejudice by Brad Chase and seconded by Mark Coleman. Motion approved unanimously.**

Administrative Review Request

Tom & Bobbi Dudeck, 53 North Road, Map 19 Parcel M1. Installation of 25' Flag Pole within the 50' buffer zone. **Representative:** Tom Dudeck.

Usowski brought this to the Commission because it is in the no disturb zone, but is in lawn area so she recommends approval. Dudeck stated that because of the shape of the property, all places they want to put the flag pole are within the 50' buffer. No fertilizers are being used on the property. **Motion to approve the administrative review by Ernie Crabtree and seconded by Mark Coleman. Motion approved unanimously.**

Request for an Extension Permit

Ayer Lane Homeowners Association, Association Beach between Pine and Pilgrim Roads.

Maintenance activities. Extension request for 3 years.

The association would like to continue to rake the beach to allow for beach area during high tide. All work is done by hand, but it is done more often than the permit allows. Seaweed is raked into small piles and left on the beach. Usowski recommends modifying the language of the Order if they choose to allow an extension. **Motion to extend the permit by three years and continue to October 21, 2020 to draft new conditions. Motion by Brad Chase and seconded by Ernie Crabtree. Motion approved unanimously.**

Request for Certificate of Compliance

168 John Joseph Rd, SE 32-2391 and SE 32-2413. Expansion/Replacement of hardscape & mitigation plantings. Maintenance of seasonal floating dock. **Motion to approve by Brad Chase and seconded by Ernie Crabtree. Motion approved unanimously.**

Violation

14 Harden Ln: Vegetation removal has been done without a permit. Usowski believes the tree company is to blame over the homeowner and that they should be the ones to receive the fine. The woodchips need to be removed and the area replanted. The Commission agreed on a \$600 fine for the tree company (\$300 for tree removal and \$300 for distribution of wood chips). **Motion to approve the \$600 fine by John Ketchum and seconded by Carolyn O’Leary. Motion approved unanimously.**

Orders of Conditions

Patrick Kennelly and Miriam Manning, 42 Julien Road, Map 16 Parcel F4. Dwelling and Septic. **Motion to approve by Brad Chase and seconded by Carolyn O’Leary. Motion approved unanimously.**

Discussion and Possible Vote

The State has extended the expiration of a permit until the state of emergency is over and Usowski recommends the same extension under the Town of Harwich bylaw. **Motion to adopt the State’s language for permit expiration by Carolyn O’Leary and seconded by Ernie Crabtree. Motion approved unanimously.**

Minutes

Motion to approve September 2, 2020 and September 16, 2020 by John Ketchum and seconded by Brad Chase. Motion approved unanimously.

Motion to adjourn by Brad Chase and seconded by John Ketchum. Motion approved unanimously.