



TOWN OF

HARWICH



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Harwich, MA 02645

CONSERVATION COMMISSION
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HARWICH CONSERVATION COMMISSION – MINUTES

WEDNESDAY, OCTOBER 17, 2018

6:30 P.M.

SMALL HEARING ROOM, HARWICH TOWN HALL

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

Call to Order

By Brad Chase.

HEARINGS

Request for Amended Order of Conditions

Jane Ayoub & Nancy B. Taylor Realty Trust, 17 & 23 Sound View Road, Map 26 Parcels L1-10 & L1-11. Changes to the view corridor management and restoration plan.

Presenter: Jen Crawford.

The applicant would like to amend two of the view corridors. Instead of having to continually prune, they would like to transition the area to a heathland, shrubland habitat that will not require any pruning. New restoration plans have been submitted. Native plants will remain and the area will be seeded with a native grass mix and erosion control blankets will be used. There will be a mixture of warm and cool season grasses. There will be ongoing work to manage the invasive species, but no pruning will occur. The view corridor locations have not changed. Usowski stated that the plants had previously been mismanaged and it is a good idea to start fresh. She also noted that at the site visit it appeared the lawn had been fertilized and this action violate the existing Order of Conditions. Mr. Ayoub stated he would make sure the company is aware of the condition. The Commission would like a warning issued to the company that informs them they will be fined for any future violations. **Motion to approve the Amended Order of Conditions by John Ketchum and seconded by Stanley Pastuszak. Motion approved unanimously.**

Request for Determination of Applicability

Charles & Cheryl Barnes, 18 South Chatham Road, Map 25 Parcel U4-5. Construction of a two car garage.

Presenter: George Reilly

The garage foundation lies within flood zone. No significant vegetation will be removed and no impact on the resource area is anticipated. Usowski does not believe this will have an adverse impact. She noted that the area has already been cleared and no work should occur without a permit. Downspouts will go into drywells. **Motion to find a negative 2 determination by Stanley Pastuszak and seconded by Mark Coleman. Motion approved unanimously.**

Request for Extension Permit

Dark Hollow Realty Trust, 2261 Route 28-Head of the Bay Rd, Map 119 Parcel N5. Deck addition, landscape improvements and coastal bank buffer enhancements. The work is complete, but Coastal Engineering has not had a change to go out and do the as-built. They are asking for a one year extension. **Motion to approve by Brad Chase and seconded by James Donovan. Motion approved unanimously.**

Keith O'Donnell, 55 Sugar Hill Drive, Map 88 Parcel R49. Remodel, deck, retaining wall.

Presenter: Keith O'Donnell.

The applicant would like a three year extension; the project is complicated and expensive and he has not been able to complete it. **Motion to approve by Brad Chase and seconded by Mark Coleman. Motion approved unanimously.**

Notices of Intent

James P. Carney, 6 Saquatucket Point, Map 8 Parcel G1-9. Proposed maintenance dredging and beach nourishment (continued hearing).

Presenter: Charlie Agro

NHESP stated they would like the slope of the beach to be 8:1 for shorebird habitat. Only the beach will be nourished; they have removed the proposal to nourish the dune. Usowski stated the new plan needs to be submitted, but that she can recommend approval. Chase questioned the permitting of the 3rd float and it will need to be removed if not permitted. He would also like a condition in the Order of Conditions to ensure that sand does not get added below mean high water. **Motion to approve by James Donovan and seconded by Mark Coleman. 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). Applicant has requested a continuance to November 7, 2018. **Motion to continue by Brad Chase and seconded by Stanley 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 (continued hearing).

Presenter: Jerald Facey

Waterways Committed signed off on the plan and Chapter 91 has been applied for. NHESP has no issue with the project. Usowski recommends fence be removed from association property and planting a 15 ft. wide strip in that area. **Motion to approve by James Donovan and seconded by Stanley Pastuszek. Motion approved 4-0-1 with John Ketchum abstaining.**

Paul Tinsley, 53 Strandway, Map 1 Parcel J1-57. Raze existing dwelling and construct new dwelling with pool and new septic. Applicant has withdrawn the application. **Motion to withdraw by Brad Chase and seconded by Stanley Pastuszek. Motion approved 4-0-1 with John Ketchum abstaining.**

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.

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

The applicant would like to lift the boathouse and add a deck and bring the bulkhead landward by 6 ft. A dwelling will be removed and if it is replaced it will be outside of the 100' buffer zone. Twelve trees will be removed. The bulkhead was present in the late 1960s or early 1970s and was damaged in winter 2018 storms. An area of 180 sq. ft. of BVW will be increased and maintained to mitigate for the 130 sq. ft. deck. The applicant would like to relocate an existing stairway and add a ramp to allow for handicap access and to be able to wheel beach equipment down the bank. This will result in two access stairs and one ramp. They intend to maintain some beach, but will let the rest of the area go natural. Bittersweet, English ivy and honeysuckle will be managed and native plantings will be planted in any bare spots. A strip of grass will be removed and planted with native shrubs, grass and wildflowers. Upland areas will be seeded with a fescue lawn mix. They are proposing 100 native shrubs and 3 trees to be planted. Usowski has no issue with replacement of the boathouse or removal of the dwelling. The bulkhead will need a Chapter 91 license. The trees being removed are diseased or hazard, but she would like to see more understory trees being planted. She noted it is very rare to grant more than one access path per property and she recommends to choose one option. Since the parcels were 3 distinct lots, Vayo was hoping that 3 access paths would be allowed. Coleman stated he had issues with the ramp and the possibility of it acting like a chute for water. He does not see the point of the bulkhead being replaced. Chase believes he has the right to replace the bulkhead, but prefers the do nothing approach. Vayo intends to do a sloped rock wall in front of the sheet pile bulkhead. Donovan would like the ramp to be proposed as an above grade wooden structure instead of cutting into the bank. Pastuszek has issue with the new deck in the 50' buffer. Ketchum does not understand the need for multiple sets of steps. Burgess and Vayo discussed a variety of options and would like to continue the hearing in order to make a decision and revise plans. **Motion to continue to November 7, 2019 by Brad Chase and seconded by Mark Coleman. Motion approved unanimously.**

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

Presenters: Emma Vantour, Roy Okurowski

Applicant would like to replace the failing fiber rolls with a 110 ft. revetment. Fiber rolls were not installed correctly and are getting wet and the landscaping was not appropriate. The toe stones will

be buried under sand and smaller stones will be on top of the toe stones. All landscaping will be redone. Bearberry and native shrubs will remain. The top of the bank is planted with switchgrass which has not filled in well. The grass will be transplanted and area will be planted with fragrant sumac. All mulch will be removed and area will be seeded with grass and wildflower mix and the dead oaks will be replaced with Eastern red cedars. Usowski stated the planting plan is appropriate and agrees that fiber rolls are not the best option for this site. She recommends approval pending the issuance of a file number and receipt of DMF comments. If desired, they will remove and replace shellfish. Donovan would like elimination of fertilizer use. Vantour will discuss this with the homeowners. Chase is concerned with scouring impacts on the salt marsh. Okurowski says the rock wall will be less vertical than what is existing and wave impact will be reduced. There will be markers on the rocks to show the beach location and any beach lost will be replaced. Chase requests evidence that impacts will be reduced and he would like more cedars planted on the east side. **Motion to continue to November 7, 2018 by Brad Chase and seconded by Stan Pastuszak. Motion approved unanimously.**

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

Presenters: Roy Okurowski

The revetment is licensed and was installed a long time ago. It needs to be repaired and will be raised 6" in some spots. Viable roses will be kept and some added along with blueberry and bayberry. Work will be done by hand. There will be more permitting for landscaping activities and Usowski suggested waiting to do invasive species removal with that permit and leave this as just wall work. She would also like bearberry added for ground cover and does not believe a formal planting plan will be needed. She recommends approval. Ketchum would like the roses to be native not ornamental. DEP has not issued a file number. **Motion to continue to November 7, 2018 by James Donovan and seconded by Stan Pastuszak. Motion approved unanimously.**

Orders of Conditions

Christine Freeman, 19 Nons Rd, Map 6 Parcel C1-12. Additions. **Motion to approve the Order of Conditions by James Donovan and seconded by Mark Coleman. Motion approved unanimously.**

Darlene & Robert Turner, 18 Strandway, Map 1 Parcel J1-5A & J1-90. Proposed steps, dock and dredging. Usowski will check the minutes, but may add condition that if the area is degraded they will do shellfish mitigation. **Motion to approve the Order of Conditions by Brad Chase and seconded by James Donovan. Motion approved 4-0-1 with John Ketchum abstaining.**

Certificates of Compliance

Helene Monaghan, 4 Sequatton Lane, Map 7 Parcel A44. Raze and replace existing dwelling.

Linda Underwood, 24 Catharine Rose Road, Map 100 Parcel W2-5. Construction of an addition.

Motion to approve the Certificates of Compliance by James Donovan and seconded by Brad Chase. Motion approved unanimously.

Discussion and Possible Vote

- 1. Wall, walkway, lawn, and plantings on Old Mill Point Property (as result of 53 Strandway discussion).** Photos were presented with dates of 1971, 1972 and 1977 that show the wall pre-dates the regulations. The Commission should not issue an enforcement and the association and homeowners need to resolve the issue between themselves.
- 2. 2019 Conservation Commission Meeting Schedule. Motion to approve the Conservation Commission schedule by Brad Chase and seconded by Stanley Pastuszak. Motion approved unanimously.**

Motion to adjourn by Brad Chase and seconded by Mark Coleman. Motion approved unanimously.

In attendance at meeting:

George Reilly, Jen Crawford, Nick Crawford, Paul Ayoub, Jane Ayoub, Charlie Agro, Keith O'Donnell, Jerald Facey, Rick Vayo, Mark Burgess, Dan Croteau, Emma Vantour, Roy Okorowski

Minutes Transcribed by Nicole Smith, Assistant Conservation Agent.

