



TOWN OF

HARWICH

*732 Main Street*

*Harwich, MA 02645*

CONSERVATION COMMISSION

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**HARWICH CONSERVATION COMMISSION – MINUTES**

**September 16, 2020. 6:30pm**

**Commissioners and Staff Present Remotely:** Chairman Brad Chase, Jim Donovan, Stan Pastuszak, John Ketchum, and Conservation Administrator Amy Usowski

**Applicants and Audience Present Remotely:** Rob McPhee, Don Monroe, Steven Szafran, Jeremy Schaub, Sean Riley, Stephanie Sequin, Mark Burgess, Robert Eagle, Lindsay Strode

The following applicant has filed a **Request for a Change in Plan:**

**Therese Nolan, 5 Brooks Rd, Map 5, Parcel X1-2, SE32-2405.** Deck in lieu of patio, widen stairs to driveway from entry porch.

Rob McPhee of McPhee Associates was present representing the owner. He explained that the change was minor and would result in less hardscape than what we originally approved. Amy Usowski reiterated this and recommended approval of the change in plan. There were no questions by the Commissioners. Stan Pastuszak moved and Jim Donovan seconded approving the change in plan. All in favor 4:0.

The following applicant has filed a **Request for an Emergency Order of Conditions:**

**Wendy and Douglas Kreeger, 1 Wah Wah Taysee Road, Map 6 Parcel F2-1.** Temporary repair of revetment for the protection of public health and safety.

Don Monroe of Coastal Engineering was present representing the owners. He described the issue: a rock in the middle of the revetment had broken off, creating a hole in the revetment that is compromising the integrity of the whole structure. They propose to bring a machine in via the top of bank and pump concrete into the hole to temporarily provide some stability and decrease the hazard until the owner can hire a contractor to re-build the entire wall, which has been permitted by conservation. Amy Usowski stated that she believes this qualifies for an Emergency Order, as it is a public health and safety hazard being right next to a public beach. The Commission agreed.

Brad Chase moved and Stan Pastuszak seconded to grant an Emergency Certification. All in favor 4:0.

The following applicant has filed a **Request for Determination of Applicability:**

**17 Bay View Road Nominee Trust, 17 Bay View Rd, Map 7, Parcel J6-2.** Proposed temporary construction access road and invasive tree removal.

Sean Riley of Coastal Engineering and Jeremy Schaub of Wilkinson Ecological Design were present to represent the applicants. The property is across the street from the wetland – the coastal bank surrounding Wychmere Harbor. They would like to remove invasive locust trees and a privet hedge, and part of a stone wall, to create a temporary access road for the work being done outside of the 100' buffer zone on the property.

The Commission was in favor of the project, provided they come back with a landscaping plan for what the area will be after the construction is done and access via Snow Inn Rd no longer needed. They stated that if the access would be not used for any length of time that it should be seeded with a native Cape Cod grass seed mix to stabilize the soils.

Jim Donovan moved to allow the project with a Negative 3 Determination provided that no herbicides, pesticides, or fertilizers be used in the 100' buffer to the wetland. Stan Pastuszak seconded. All in favor 4:0.

The following applicant has filed a **Request for an Amended Order of Conditions:**

**Steven Szafran, 177 Forest Street, Map 31, Parcel C2, SE32-2247.** Replacement of old hardscape and installation of new hardscape.

The owner Mr. Szafran was present and presented his request to the Commission. Amy Usowski's recommendation was to have the proposed changes put on an engineered site plan with the existing vs proposed changes included on it, with square footages. In some areas of proposed hardscape there has not been hardscape in several years. It is unclear with the condition the site is in now where there was the hardscape Mr. Szafran states there was.

Brad Chase moved and John Ketchum seconded continuing this application to October 21, 2020, so that Mr. Szafran can attempt to engage an engineer to assist him with the plans.

**Notice of Intent**

**Steve Hassett, 46 Indian Trail, Map 34, Parcel K3-2.** New Dwelling with appurtenances.

They have requested a continuance until October 21, 2020. Brad Chase moved and John Ketchum seconded to grant this continuance. All in favor 4:0.

**Patrick Kennelly and Miriam Manning, 42 Julien Road, Map 16 Parcel F4.** Removal of an existing single family dwelling and construction of a new dwelling and detached garage, including installation of a septic system and utilities, grading, and hardscaping.

Stephanie Sequin of Ryder and Wilcox was present to represent the applicants. Half of the existing house is in the 50-100' wetland buffer, and the other half is within the flood zone. The new house would be outside the 100' wetland buffer and outside the flood zone. There would be a new garage in the flood zone on a slab foundation and a driveway in the flood zone. There would be a net reduction of 440 sq ft of hardscape within conservation commission jurisdiction. There was some discussion on where to install some erosion control to protect the wetland across the street. It was decided that silt fence should be placed across the street adjacent to the wetland during construction to prevent any siltation to the wetland.

John Ketchum moved to approve the project with the condition that no fertilizers, pesticides, or herbicides be used on the property within conservation commission jurisdiction. Stan Pastuszak seconded. All in favor 4:0.

### **Orders of Conditions**

**Amended Order -Thomas McCabe, 25 Grey Neck Lane, Map 11, Parcel X8-6.** Tear-down and re-build of a house.

The commissioners did not have any edits to the draft conditions. Brad Chase moved and Jim Donovan seconded approving the Amended Order of Conditions for this project. All in favor 4:0.

### **Request for an Extension Permit:**

**Lupoli, 11 Shore Road, SE32-2299.** Demolition of existing motel and construction of a single family home. Request for a one year extension.

Amy Usowski explained that the work appears to be essentially finished, but they still need a bit of time to do the as-built site plan, and she needs to go and inspect the site to ensure compliance. If there is something not in compliance, the year extension will give them time to rectify. She recommended a one year extension. Brad Chase moved and Stan Pastuszak seconded issuing a one year extension permit for this project. All in favor 4:0.

**Ayer Lane Homeowners Association, Association Beach between Pine and Pilgrim Roads.** Maintenance activities. Extension request for 3 years.

A representative was not present at the meeting. The commission would like to have a better understanding of the association's beach cleaning practices, in order to determine if they have been complying with their permit. This permit has been active since 2005. There was some discussion relating to if the applicant should have to apply for a new permit as this one is so old, and our beach cleaning regulations have changed since 2005. Brad Chase moved and John

Ketchum seconded to continue discussion on this extension request until October 7, 2020. All in favor 4:0.

### **Request for Certificate of Compliance**

**651 Main Street, SE32-2178.** Ramp and float addition to existing structure.

Brad Chase moved and Stan Pastuszak seconded approval of the request for a Certificate of Compliance, keeping the condition regarding off-season storage of the float in perpetuity. All in favor 4:0.

**47 Sequattom, SE32-2171.** Dock on Long Pond.

John Ketchum moved and Jim Donovan seconded approval of the request for a Certificate of Compliance, keeping the condition regarding off-season storage of the dock structure in perpetuity. All in favor 4:0.

**15 Shore Road, SE32-1900.** Beach Cleaning.

Any new work would require a new permit, as this one is expired. Jon Ketchum moved and Stan Pastuszak seconded granting the request for a Certificate of Compliance. All in favor 4:0.

### **Discussion and Possible Vote**

1. Request by Robert Eagle of 38 South Chatham Road to prune lower limbs off 6 trees on town property across the street at 0 South Chatham Road, Map 26, L1-1, for view improvement.

Mr. Eagle was present and stated he would like to prune the lower limbs off 6 trees across the road from his house for view purposes. The trees are also in the buffer to the wetland. No tree removal is proposed. Commissioner Donovan was not in favor of allowing pruning activity on town land for the benefit of a view by a private property owner. Brad Chase moved and Stan Pastuszak seconded approving the request. 3:1 motion carried.

2. Discussion on possible erosion control options at 0 North Road, Map 11 Parcel A1 (across from 48 North Rd).

Lindsay Strobe of Cape Organics and Mark Burgess of Shorefront Consulting were present to represent the potential applicant. They described that the bank of the river at this location was eroding, compromising stability. The owner was granted a permit 15 years ago to install fiber rolls, and up until recently they have remained intact, with a little mending. They have reached the end of their life and are no longer really functioning. The Commission said without a plan in front of them, they would not comment on what would and would not be allowed there, but to apply and to fully vet a variety of options in the application.

3. Discussion of Management Plan Options for the Herring River Bogs in the Bells Neck Conservation Area. There was no discussion on this agenda item. It will be on the Oct 7 Conservation Commission agenda.

At 8:20pm, Brad Chase moved and Stan Pastuszak seconded to adjourn the meeting. All in favor 4:0.

Minutes taken and transcribed by Amy Usowski, Conservation Administrator