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HARWICH

*732 Main Street
Harwich, MA 02645*

HARWICH CONSERVATION COMMISSION - MINUTES

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

WEDNESDAY - JANUARY 3RD - 2024 - 6:30PM

TOWN HALL - GRIFFIN ROOM – HYBRID PARTICIPATION

Commissioners and Staff present: Chairman John Ketchum, Mark Coleman, Wayne Coulson, Alan Hall, Sophia Pilling, James Atkinson, Bradford Chase, and Conservation Administrator Amy Usowski

Commissioners absent: None.

Audience and Representatives present: Jennifer Crawford, Philip Cheney, Mark Zippo, Attorney James Norcross

Call to order: Chairman John Ketchum called the meeting to order at 6:30pm and the Pledge of Allegiance was recited.

The following applicants have filed a Notice of Intent:

Daniel Corey & David Mogan, 9 & 11 Herring Run, Map 3, Parcels X3-2 & X3-3, SE32-2546.
Construction of new shared dock with float and dredging. *(Continued from 12/6/23)*

Applicants have requested a continuance to the 1.18.24 meeting.

No further discussion from the Commission.

Mr. Coleman moved to continue the hearing to the 1.18.24 meeting. Seconded by Mr. Coulson.
Vote: 7:0 Motion carried; hearing continued.

The following applicants have requested a Change of Plan:

John Leong and Charis Cladouhos, 25 Trout Brook Road, Map 26, Parcel C1-6, SE32-2523.
Construction of reinforcing wall to shore up existing failing retaining wall.

Jennifer Crawford of Crawford Land Management was present virtually as a representative and discussed relevant portions of the application, noting and that only two trees were removed on the site and that the shape of the proposed patio has changed. Ms. Crawford explained that a rotting floor was discovered during construction and that the change is necessary for the longevity of the existing structure. She reviewed the planting plan for the property.

Ms. Usowski noted that the changes were minor and were landward of the new retaining wall. She asked Ms. Crawford to address drainage problems on the property, and Ms. Crawford informed the Commission that the contractors are aware and will be fixing the issue. Ms. Usowski recommended approval.

Ms. Pilling commented that the planting plan was unique and complimented the applicants on their native plant choices.

No further discussion from the Commission.

Mr. Atkinson moved to approve the Change in Plan. Seconded by Mr. Coleman.

Vote: 7:0 Motion carried; Change in Plan approved.

Nancy White, 26 Old Campground Road, Map 30, Parcel C15, SE32-2443. Construction of new dwelling.

Mr. Coulson recused himself from the discussion.

Ms. Usowski reviewed that the project was approved in 2021 and was set to expire in July of 2024. She noted that there was a new plan which involved some changes and that some aspects of the project were unusual because the property contains an inland coastal bank. She reviewed the new plan, noting that net hardscape and new structure have been reduced. She recommended accepting the new plan as the plan on record and approval.

The Commissioners discussed agreeing with Ms. Usowski's recommendation.

No further discussion from the Commission.

Mr. Atkinson moved to approve the Change in Plan. Seconded by Mr. Coleman.

6:0:1 Mr. Coulson was recused. Motion carried; Change in Plan Approved.

The following applicants have requested a Determination of Applicability:

Marvin and Susan Greenbaum, 10 Stanley Road, Map 81, Parcel A13. Modify deck and replace driveway and hardscape.

Philip Cheney, landscape designer, was present as a representative and discussed relevant portions of the application, noting that there would be no increase in footprint with the proposed stairs. He proposed removing one pitch pine from the property and taking scrap metal out of the pond. Mr. Cheney described changing the hardscape driveway to permeable materials and planting where possible to address drainage issues.

Ms. Usowski noted that the property does have a drainage issue and that these changes would help to remedy it. She recommended approval with a -3 Determination.

No further discussion from the Commission.

Mr. Atkinson moved to approve the Request for Determination of Applicability with a -3 Determination and the condition that no fertilizers or chemicals be used. Seconded by Mr. Coleman.

Vote: 7:0 Motion carried; Request for Determination of Applicability approved.

The following applicants have requested a Certificate of Compliance:

Mark Zippo, 226 South Westgate Road, Map 56, Parcel M2-5, SE32-2461. Construction of new single-family dwelling and appurtenances on vacant lot.

Mark Zippo, developer, and owner of the property was present as a representative.

Ms. Usowski reviewed that the project was approved a few years ago and noted that small changes have been made and that the most updated plan proposes less new structure. She recommended approval with the condition that no fertilizers or chemicals be used. She noted that the site has some drainage issues that may want to be addressed by the property owner.

Mr. Chase asked if the most updated plan involved any changes in distance to the 50-foot buffer. Ms. Usowski said no and confirmed that the only change would be less structure.

No further discussion from the Commission.

Mr. Atkinson moved to approve the Certificate of Compliance with the condition that no fertilizer or chemicals be used and that the no-disturb zone be maintained. Seconded by Mr. Coleman.

Vote: 7:0 Motion carried; Certificate of Compliance approved.

Minutes:

3.15.23

27:58 – Herring River?

29:17 - Recused formatting?

No further discussion from the Commission.

Mr. Atkinson moved to approve the minutes of 3.15.23 with corrections. Seconded by Mr. Chase.

Vote: 7:0 Motion carried; minutes approved.

12.20.23

Mr. Ketchum noted that Mr. Atkinson was the Chair at the time.

Mr. Atkinson moved to approve the minutes of 12.20.23 with corrections. Seconded by Mr. Coleman.

Vote: 7:0 Motion carried; minutes approved.

Discussion and Possible Vote

Update on violation at 435 Rte. 28.

Attorney James Norcross was present virtually as a representative.

Ms. Usowski reviewed relevant portions of the violation, noting that the deadline for plans was on December 19th and described the new shed plan. She informed the Commission that the applicants are considering filing a Notice of Intent to keep the current shed and asked Attorney Norcross to confirm. Attorney Norcross confirmed that the property owners want to keep the current shed but are conferring with engineers to see whether it can be moved elsewhere on the property. Ms. Usowski recommended that the Commission should allow the applicants 30 days to file their Notice of Intent.

Mr. Atkinson commented that he agrees with Ms. Usowski's recommendation. Mr. Atkinson asked when the shed was built and for clarification on some aspects of the site plan. Ms. Usowski answered that she shed was built within the last two years. Attorney Norcross said that there is a walkway next to the shed and that he would ask the engineers to label the site plan with more detail. Ms. Usowski and Mr. Ketchum discussed the fencing on the site. Mr. Ketchum asked if action from the Commission was required at this time. Ms. Usowski recommended action and possible filing deadline dates.

No further discussion from the Commission.

Mr. Atkinson moved to require the applicant to file a Notice of Intent no later than February 5th, 2024.

Seconded by Mr. Coleman.

Vote: 7:0 Motion carried.

Update on Hinkley Pond monitoring report.

Ms. Usowski informed the Commission that she has received Hinkley Pond monitoring data from Don Yanuzzi, Director of Natural Resources, that shows that the pond has been monitored since being treated in 2019. She suggested that the Commission should speak with Mr. Yanuzzi since the last formal monitoring was done by Ken Wagner, who was a scientist working on the original monitoring report and noted that Mr. Wagner shared concerns about fluctuating phosphorous levels and stressed the need to continue monitoring the pond. She noted that two monitoring reports are missing, and concluded that the Town is not in compliance, adding that the watershed management plan also needs to be started.

Mr. Coleman asked if the Natural Resource Department was meant to be the overseer of the monitoring. Ms. Usowski answered that they were the applicants, and while the treatment of the pond was a Town project it would be appropriate for the Commission to communicate with the office and review the expectations of the Orders of Conditions. She offered to investigate funding options. Mr. Hall asked what the purpose of the pond treatment was. Ms. Usowski answered that the phosphorous was added to prevent harmful algal blooms, and that only two of ten years of monitoring had been done. Mr. Ketchum noted that the department may have not contracted with a scientist for more than two years. Mr. Hall commented that it was unfortunate to have a two-year gap, and Mr. Chase agreed.

Mr. Ketchum noted that while Hinkley's Pond has not had a full monitoring report in two years, data has been taken from it for other projects. Mr. Hall asked if the PALL's project would be substituted for regular monitoring, and Mr. Ketchum said that it would not be a substitute but that the PALL's project did collect useful data. Ms. Usowski noted that the PALL's project does not directly report on phosphorous. The Commission and Ms. Usowski discussed data collection.

Ms. Usowski read Special Condition 22 out loud. The Commission and Ms. Usowski discussed how to meet the requirements of Special Condition 22 and what action to take. Ms. Usowski noted that the permit is expired so the Order of Conditions could not be amended. The Commission discussed the location of the treatments and the importance of monitoring Hinkley's Pond because of the proximity of cranberry bogs. Mr. Chase noted that the data collected so far has been concerning and indicative of poor pond health. Ms. Usowski noted the presence of brown algae in the pond and planned to talk to Don Yanuzzi about the monitoring. The Commission discussed taking further actions after more information is gathered.

Discussion of Shore Road erosion from December 2023 storm.

Ms. Usowski informed the Commission that numerous town beach access stairs were destroyed in the storm and that there was a 6-foot storm surge on top of high tide that damaged several properties, notably almost all on Shore Road. She described "sacrificial sand" that is being added to beachfronts through Administrative Reviews, but that property owners are seeking out more permanent solutions. Ms. Usowski noted that home preservation is the priority, not accessory preservation. She informed the Commission that some property owners are in the process of getting a license to use Pleasant Street Beach for access for sacrificial sand placement. She suggested that future stairs should be liftable or removable to prevent further losses.

Ms. Usowski mentioned that flooding was also an issue in some areas such as 47 North Road and mentioned that an update from Mr. Smith would be helpful in assessing damage. Mr. Ketchum asked if property owners with homes built after 1978 would likely be seeking hard structure reinforcements. Ms. Usowski said that is a possibility and that the proposals would be examined based on the characteristics of each property with consideration to erosion rates and current regulatory standards. She shared that some hybrid strengthening solutions with fiber rolls were successful in the storm but that a dune was lost.

Mr. Chase noted damage from Red River to Saquaquacket Harbor and shared that he had observed significant erosion at the edges of a bulkhead and said that he expected further damage with more storms. Ms. Usowski agreed, noting that protective structures such as bulkheads are frequently being overtopped by storm surge and require regular maintenance. Mr. Chase suggested that beach walkway elevation changes may help reduce further damage to properties.

Ms. Usowski noted that Allens Harbor collected a lot of debris from the storm. Mr. Chase mentioned that jetties sustained damage as well and Mr. Ketchum asked about the Neel Road jetties. Ms. Usowski confirmed that the Neel Road jetties were intact, and Mr. Ketchum asked about erosion. Ms. Usowski said that the stairs were replaced, and sand was added at Neel Road.

Other business not reasonably anticipated by the Commission:

Mr. Chase requested to have the Bells Neck Land Management plan on the agenda for the next meeting.

Adjournment

Mr. Atkinson moved to adjourn the meeting. Seconded by Mr. Coleman.
Vote: 7:0 Motion carried; meeting adjourned at 8:01PM.

Minutes respectfully submitted by Kalea Trudeau, Conservation Department Executive Assistant.