



TOWN OF

HARWICH

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HARWICH CONSERVATION COMMISSION - MEETING MINUTES

TOWN HALL – GRIFFIN ROOM

Wednesday, December 3, 2025 – 6:00 PM

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HARWICH, MA

2026 JAN -8 P 1:19

Commissioners and Staff Present

Chairman John Ketchum, Mark Coleman, Wayne Coulson, Susan Cyr, Vivienne Mulhall-Maguire, Sophia Pilling, and Amy Usowski, Conservation Administrator

Absent: None

Chairman John Ketchum called the meeting to order at 6:00 PM and the Pledge of Allegiance was recited.

Change of Plan

Kimberly Manocherian, 35 Snow Inn Road, Map 8, Parcel F-1, 32-2569. Dock and stairway replacement, removal of invasive plants and native replanting.

Skipper Lee, Contractor, was present to discuss the change in plan for the homeowner. He clarified the details of the plan change and spoke about the pilings material to be used.

Ms. Usowski stated that Mr. Lee brought it to her attention that the plan initially approved by the Commission had conflicting dock design sketches. She stated that the actual plan itself showed alternating monopiles with only three piles holding the float where there should have been four. The actual site plan itself did show alternating monopiles with only three piles holding the float where should have been four as well, but the cross-section showed a cross-section with double piles, which is the more traditional dock proposal. She recommended the Commission allow him to do the traditional dock design with the four piles holding the float. She spoke about which wood to use and noted that she leans more towards using CCA wood rather than greenheart. Mr. Lee stated he would rather use CCA wood.

Mr. Coulson had no issues with the plan change to get rid of the monopiles and put in doubles.

Ms. Mulhall-Maguire stated she agrees with Mr. Coulson's opinion.

Mr. Coleman noted that the transporting of the wood has an impact on the environment.

Chairman Ketchum stated that he would prefer to see the use of local wood with some treatment.

Chairman Ketchum asked for comments from the public.

No further Commission comments. No public comments.

MOTION

Mr. Coulson moved to approve the Change of Plan with the stipulation that they use CCA wood.

Mr. Coleman seconded.

Vote: 6-0 Motion carried; Change of Plan approved with the stipulation that they use CCA wood.

The following applicants have filed a Notice of Intent

Christopher & Megan Bloch, 7 Shoal Hope Drive, Map 4, Parcel D1-11. Construction of an addition to the house and expansion of an existing deck within the riverfront area.

Ms. Lynne Hamlyn, Hamlyn Consulting-Owner, was present representing the homeowners. Homeowners Christopher and Megan Bloch were online.

Ms. Hamlyn stated that land subject to coastal storm flowage and riverfront are the two resource areas located on the property. She stated that all proposed work is outside of land subject to coastal storm flowage and the proposed work within the riverfront area is located at the very upper edge of the outer riparian zone. She noted that there will be 464.5 square feet of increased footprint in the riverfront area due to the foundation and deck.

Ms. Hamlyn detailed the 2:1 proposed landscape mitigation plan, noting that they propose plants that are either native or very pollinator friendly. She was recently informed that St. John's Wart is not technically a native plant but is apparently a plant considered important to bees that are dying off. She also stated that fothergilla is a pollinator friendly plant. She expressed that they are open to swapping out plants if the Commissioners prefer the use of other plants.

Ms. Usowski stated that bittersweet exists on the north side of the access path to the water where the proposed native mitigation plantings are going in and voiced concern that it might overtake the new plantings. She encouraged the Commission to allow the applicants to remove the bittersweet and replant with natives or seed with natives. She stated that the area on the south side of the access path is open to the property line, but that it too is very invaded. She spoke about the St. John's Wort and the fothergilla and the rhododendron.

Ms. Usowski stated that the plant list is well thought out and the applicants meet the intent of the mitigation. She stated that in terms of the work itself, the deck is 181 plus or minus feet from the edge of the river in the area of an existing deck and lawn area and it will not have any impact to the riverfront area. Ms. Usowski recommended approval of the project but noted that the DEP number is needed and therefore the hearing needs be continued to the December 17th meeting.

Ms. Pilling stated that the planting list is very strong and has no issue with the plan. (*Indecipherable*)

Chairman Ketchum asked about the bittersweet in relation to the plan. Ms. Usowski reiterated for the homeowners understanding that she recommends the bittersweet on the north side of the access path to the water be removed and the area replanted. Ms. Hamlyn said that the planning plan will be revised to reflect the removal of the bittersweet.

Ms. Hamlyn clarified that since the submittal of the project, they have received the septic upgrade plan and have filed for an administrative review with the Health Department. She noted that the septic system is to be located in the upper edge of the outer riparian zone and will be noted on the updated plan.

Chairman Ketchum asked for public comment.

No further Commission comments. No public comments.

MOTION

Ms. Mulhall-Maguire moved to approve the Notice of Intent.

Mr. Coulson seconded.

Vote: 6-0

Motion carried; Notice of Intent approved.

The Compact of Cape Cod Conservation Trust, 0 North Westgate Road, Map 66, Parcel K1-3, SE32-2620.
Removal of the dilapidated barn structure and concrete slab, and restoration of disturbed area with native plantings.

Mr. Coulson recused himself from this case.

Ms. Kelly Grant, Land Protection Specialist-Harwich Conservation Trust was present to speak to the project.

Ms. Grant explained that The Compact of Conservation Trusts is buying and holding this property until the Harwich Conservation Trust (HCT) can raise the money for it, and then they will transfer it to HCT. The project entails the removal of the dilapidated barn structure and concrete slab, and restoration of disturbed area with native plantings. The 7.4-acre parcel is part of a larger 17.8-acre area being acquired by HCT and located near Robbins Pond with a stream connection from the pond and wetlands on either side of the work area. The project site contains the following wetland resource areas: Riverfront Area and Bordering Vegetated Wetlands. There is a stream and old bogs at the site that have reverted to vegetated wetland. The entire property is mapped as Natural Heritage Endangered Species Program (NHESP)-Estimated Habitats of Rare Wildlife (EHW) for the eastern box turtle. Work will occur within the wetland bylaw no disturb zone, the buffer zone to bordering vegetated wetland, the riverfront area, and the estimated habitat of rare wildlife. The project proposes no new structures and the existing disturbed area will be removed and restored with native plantings. Ms. Grant detailed the work, how it will be completed, how heavy equipment will access the work site, and the proposed planting plan. She stated that she will submit the final planting plan when complete.

Ms. Grant stated that in terms of the performance standards, they propose work within the no disturb zone. She stated that because they are removing a structure and restoring the area, there will be an overall benefit to the resource area, and the buffer zone to the border and vegetated wetlands as well. She stated that the work within the riverfront area is allowed on the basis that it will create an improvement over existing conditions. Ms. Grant explained that Natural Heritage requires them to complete the work between October 15th and May 15th. She stated that the proposed demolition will most likely occur early February.

Ms. Usowski stated that the project is a great improvement to the property to naturalize it and remove the dilapidated barn and any debris around it. There was a discussion as to why Natural Heritage requires the work to be completed between October 15th and May 15th. Ms. Usowski spoke about the planting plan and offered suggestions.

Ms. Usowski had noted the existence of locust plants on the property, located outside the limit of work, and recommended allowing the applicants to remove them as part of the land management plan.

Chairman Ketchum noted that there is a large amount of miscellaneous unnatural debris on site and asked that as a condition of approval, the applicants be required to clean up the debris. Ms. Grant stated they will be cleaning up the debris in advance of the contractor coming out.

Ms. Usowski recommended approval.

No further Commission comments. No public comments.

MOTION

Ms. Cyr moved to approve the Notice of Intent with the conditions as noted.

Mr. Coleman seconded.

Vote: 5-0-1. (Mr. Coulson recused himself)

Motion carried; Notice of Intent approved with the conditions as noted.

Mr. Coulson returned to the meeting.

Jeffrey Lang and Sandra Wycoff, 11 River Bend Road, Map 1, Parcel G1-9. Float relocation and Maintenance Dredging

Mr. Charlie Agro, Waterfront Engineer-BSC Group, was present to discuss the project on behalf of the homeowners.

Mr. Agro detailed the scope of the project and the proposed relocation of the float dock, the ramp and the landing further east along the existing wooden bulkhead. Currently the float is located in very shallow water and when approaching the dock, the owner must navigate through very shallow water to access it. Mr. Agro stated that they propose maintenance dredging of 70m cubic yards. He stated that per the shellfish survey, the area is not conducive to shellfish habitat due to the mucky material at the site, but by removing some of the sediment, the area will be slightly improved for shellfish habitat. He stated that another aspect of the project is to excavate the area behind the bulkhead and detailed the proposed work in that area. He noted that the wetland resource areas

Mr. Agro stated they have received letters from abutters about the project and have discussed with Mr. Lang about potentially relocating the landing and the ramp to the east side of the float, mirroring it from where it is now. He stated that Mr. Lang would be willing to allow anyone with rights to the easement to use his floating dock to help provide safer access to the water.

Mr. Agro explained that the wetland resource areas found at the site are land under ocean, land subject to coastal storm flowage, coastal bank. He stated that there is also prop wash.

Ms. Usowski stated that the DEP number has not yet been issued and therefore the hearing must be continued to the next meeting. She noted that there is a waterways license and conservation permit for the bulkhead in this location, but where ramp and float location was never permitted. She stated that she would like to see this new location permitted and the previous location would cease to exist.

Ms. Usowski stated that Ms. Maura Shield, 25 Harbor Way Lot 3, emailed about the possibility of relocating the float system so as to not encroach on the use of lot 10. Ms. Usowski stated that before the next meeting Mr. Lang should speak with the neighbors who have interest in using the floating dock, to see if the new location is a reasonable, livable solution. A discussion was held regarding another possible access location. Ms. Usowski stated that it was noted in the shellfish survey that only one shellfish was discovered in the area, which was not a surprise, due to the poor sediment quality in the basin.

Ms. Usowski stated that the homeowners did get approval from the Waterways Committee and the Harbormaster and Natural Resource Director are also in agreement.

Chairman Ketchum asked for Commission member comments.

Mr. Coulson stated that the plan is a better solution and didn't have any issues with it.

Ms. Pilling stated that the maintenance dredging was going to occur anyway at the location. (*Indecipherable*)

Mr. Coleman stated that the plan makes sense.

Chairman Ketchum asked questions about the lot ownership. Mr. Agro answered that Mr. Lang and Ms. Wycoff own the property and there is a mutual easement to lot 10.

Chairman Ketchum voiced concern about some construction and a weather-beaten aluminum ladder seen at the site. Mr. Agro answered that the ladder has been moved and there are no plans to use the area where construction walls are located.

He stated that the whole stretch of bulkhead may be getting addresses later, but there are no current plans for it.

There was a discussion about the work to be done behind the bulkhead area.

Mr. Argo stated that through the easement, Mr. Lang removed the fence and the gate, and there's been some vegetation removal to try to help make access to the water easy.

Ms. Pilling asked if the Commission needs to help facilitate access through the easement. Ms. Usowski stated that that issue is not within the purview of the Conservation Commission. Ms. Usowski added that it is firstly necessary that the neighbors are ok with the easement arrangement.

Mr. Argo stated that worst case scenario the float could be moved back 10 ft to the west on the other side of the property line for lot 10, in order to get it off lot 10, which doesn't necessarily change things too drastically.

Chairman Ketchum asked for comments from the public.

Noreen Cahalane

Ms. Cahalane stated that since Mr. Lang's float isn't permitted, he needs to apply for a permit. She stated that the Commission needs to consider that Mr. Lang already has over 200 square feet of permitted floats, which is way beyond what is recommended for the Heron River, and it shouldn't be a given that he is granted a float. She stated that there are permanent easement rights that have been on many homeowner deeds since the 1930s and 1950s. She noted that several homeowners have access to lot 10 to moor their boat and stated that if Mr. Lang is granted a float beyond what is recommended for the Heron River, it shouldn't be on lot 10 because it would impede the people who have the right to moor a boat on lot 10.

Mr. Agro explained that the floats Ms. Cahalane is speaking of refer to the scallop farm project and are aquaculture materials that are not related to this float request.

Ms. Usowski stated that the floats for the scallop farm is a different project, is under appeal, and should not be discussed at this meeting.

Chairman Ketchum questioned whether Riverbend Road is a public road. It was determined that it is and the way homeowners access the water. Chairman Ketchum stated that from his point of view the Commission needs to focus on determining whether they can eventually issue a permit for full relocation and reconstruction.

Attorney Elizabeth Pile, Hill Law

Attorney Pile was online representing neighbors and abutters to 11 River Bend Road. She stated that this hearing is the first meeting discussing the idea of changing the orientation of the ramp. She asked that the applicant contact her to discuss the change because she has yet to see the plan and is not sure it would address concerns regarding access to lot 10. She stated that under the current plan, half of the float would be located by lot 10 and the other by lot 9. There are several neighbors who have deeded rights to lot 10 for the purpose of mooring boats and she wants to ascertain what is permitted to make sure it does not impede the right of her client's deeds to moor their boats. She stated that the best option might be to move the float closer towards the house as suggested by the engineer.

Attorney Pile stated that her clients are glad the Commission is going to be treating this as a new license since this project wasn't previously permitted. She noted that the homeowners should be required to go through all the steps that anybody applying for a new float would need to undertake. She stated that there is a 200-foot limit on floats under the water dependent structures bylaw and the wetlands protection bylaw, with no distinction between recreational or aquaculture or any other kind of float. She stated that town council opined that the aquaculture floats are floats and there was no distinction between recreational or aquacultural. This one single property will have a total of 800 square feet of floats and would require a variance.

Charman Ketchum asked Attorney Pile if she represents any parties who have deeded rights to Lot 10. Attorney Pile answered yes. Chairman Ketchum asked if any clients Attorney Pile represents have used Lot 10 to moor a boat. Attorney Pile answered yes. She stated that it is a right of access and whether or not they have used it in the past is irrelevant because in their property deeds they have a right to access.

It was noted that this case does not yet have a DEP number and needs to come back before the Commission.

No further Commission comments. No further public comments.

MOTION

Mr. Coulson motioned to continue the hearing to December 17, 2025.

Mr. Coleman seconded.

Vote: 6-0

Motion carried; Hearing continued to December 17, 2025.

32 Pegasus LLC, 32 Dunes Road, Map 5, Parcel W1-52. Reconstruction of existing permitted elevated walkway, pier, ramp, and float in Oyster Pond.

Mr. Mark Burgess, Ocean Engineer/Owner- Shorefront Consulting, was present to discuss the project representing the homeowners.

Mr. Burgess stated that this is a previously fully permitted and licensed existing structure. He stated that the existing elevated walkway begins at the base of some stairs and travels nearly at grade to an existing dock to the ramp and then to the float. He stated that it is all within the existing footprint of the permit and the license with the exception of the float, which was changed at some point. The proposal before the Commission is to request to place the float back to its' originally permitted location and configuration. He stated that the float will therefore be shorter, but wider than it is now. He detailed the work necessary for aspects of the project to move the float, the details of the reconstruction and how the project impacts the site. He stated that there will be no work done in the water.

Mr. Burgess stated that the Department of Marine Fisheries (DMF) commented on the outer part of the marsh and the float clearance. He reiterated that the float location is not changing, as it is in the location it was permitted in and discussed possible ways to address the concerns by the Department of Marine Fisheries. He asked if the changes made to improve are enough to be acceptable to the Commission. He discussed various options. He stated that because it's not a new structure, no mitigation plantings were proposed. He stated that he considers the site mitigation constrained.

Ms. Usowski stated that no additional mitigation would be needed. She didn't see the need to have new pilings in order to be completely into compliance in terms of elevation over the salt marsh, which is one of the most highly protected areas in the wetland protection act. She asked about the life of the pilings, and it was determined that they are in pretty good shape. She stated that it is a great improvement compared to what is there and explained that it is the responsibility of the Commission to try to get the project as close to compliance as possible as it will benefit the homeowners and the salt marsh.

Ms. Usowski offered suggestions in terms of height and depth. She stated that she is not a fan of stairs as it encourages people to use the marsh, and if they can be avoided, all the better. She stated that in terms of depth around the float, the regulations say three feet is needed, however, as they already have 3 feet on the seaward side, the Commission should consider a condition that the boat is to be tied up on the seaward side and going forward, dredging would need to be permitted. She stated that it doesn't seem logical to bring a dredge in for such a small amount of material coming out.

Ms. Pilling stated that she is happy to see that it is an improvement, but agrees that since Oyster Pond, being one of Harwich's important resources, the project should be as close to code compliance as possible. (*Indecipherable*)

Mr. Burgess stated that it will be difficult asking the homeowners to give up somebody a width that's already been already permitted.

Mr. Coleman stated he is in favor of elevating the deck itself. It is the least impactful and serves a multitude of good things.

Ms. Mulhall-Maguire agreed that it is an overall improvement. She stated that since the case will be continued to a future meeting, Mr. Burgess has a bit of time to tweak the design.

Mr. Coulson agreed with Mr. Coleman's comment that making the ramp a bit steeper would cure some of the problems.

Chairman Ketchum voiced concern about details of the design consideration to get the project up to code. Chairman Ketchum stated that he is concerned about the fact that this the float barely meets the three feet on the outer edge. Chairman Ketchum stated that Mr. Burgess should come back before the Commission with a design that fits the regulations as opposed to having to make exceptions.

It was noted that this case does not yet have a DEP number and needs to come back before the Commission.

MOTION

Chairman Ketchum moved to continue the hearing to the January 7, 2026 meeting

Mr. Coleman seconded.

Vote: 6-0

Motion carried; Hearing continued to the January 7, 2026 meeting

Mary Ann & Henry E. Davidson, Jr., 37 Nons Rd, Map 5, Parcel W1-18, SE32-2604. Pier, ramp, and float with dredging. (*Continued from November 5, 2025*)

Mr. Mark Burgess, Ocean Engineer and Owner- Shorefront Consulting, was present to discuss the project representing the homeowners.

Mr. Burgess stated that this meeting with the Conservation Commission is to discuss the comments made by the members of the Waterways Committee, Harbormaster John Harker and Natural Resources Director Stephanie Ridenour regarding this project.

Mr. Burgess stated that the new location seems a much better option. He stated he received an email from abutter Mr. Ben Stevens, who wrote that neighbors thought the new location was better.

Mr. Burgess spoke about the design details, the measurements, the necessary dredging, and the shellfish survey. He stated that the Waterway Committee members weren't happy with the project and Harbormaster John Harker had voiced concern about the ability to navigate the channel, explaining that the water dependent structure by-law says that any dock cannot extend into the channel so as to reduce the channel width by 50 feet. Mr. Burgess respectfully disagreed with the interpretation of the by-law and explained his understanding of it as it refers to this project. He noted that the float and the boat attached does not reduce the current width of the channel.

Mr. Burgess spoke about the shellfish survey that was completed for this project. He stated that Natural Resources Director Stephanie Ridenour voiced concern that dredging will impact the shellfish habitat in the area. Mr. Burgess explained that the shellfish could be moved to the side and put back in their same habitat when dredging is completed.

Mr. Burgess read a portion of the letter from the Department of Marine Fisheries related to the shellfish survey. "The project is located in shellfish classification area V2SC39 and is conditionally approved for harvest. The shellfish survey included in the original NOI identified high densities of both quahogs and soft-shell clams in the project footprint. The town also seeded the project area with quahogs in 2024 and 2025. Dredging the mean water line and sub tidal area will remove shellfish standing stock, productive shellfish habitat, and nursery habitat suitable for growing fish shellfish seed. Dredging and dock construction would also limit shell fishing access to the area." Mr. Burgess disagreed with this statement, stating that the dock itself is on coastal beach and the ramp and float are removed seasonally.

Mr. Paul Mancuso, Wetland Scientist- BSC Group, was online to speak about the shellfish survey he completed at the site in August of 2024. He stated he found healthy populations of quahogs and soft-shell clams throughout both areas. He stated that he has worked with towns installing peers, and stated that if the commission so desires, the shellfish warden or a commercial shell fisherman can relocate the shellfish after the dredging is complete and the area supplemented with seeding. He stated that dredging will not affect the quality of the shellfish habitat and the shellfish will do just fine when returned to the original area. Mr. Burgess pointed out that the homeowners will likely be required to complete follow-up shellfish surveys.

Ms. Usowski discussed issues related to navigation of the channel. She stated that the Conservation Commission does have regulatory jurisdiction over the water dependent structures bylaw, which includes the navigation language, and she depends almost solely on the Harbor Master and Waterways Committee for advice on navigation issues and concerns. She stated that since the Harbor Master stated that navigation would be hindered by this project, she has no reason to disagree.

Ms. Usowski stated she agrees with the concerns voiced by the Natural Resources Director Stephanie Ridenour regarding the impact dredging will have on the shellfish habitat. She stated that alteration of the area is not something she recommends.

Chairman Ketchum asked for Commissioner comments.

Mr. Coulson stated that the site for the boat is perfect and the shellfish will survive.

Ms. Mulhall-Maguire voiced concerns about the staking of the site. She stated that she defers to the experts regarding the channel and shellfish habitat concerns.

Mr. Coleman said that he is undecided about this case.

Ms. Cyr stated that it is a tricky project and appreciates all the work that has gone into it. She stated that she defers to the expert recommendations.

Chairman Ketchum stated that the Commission should follow the recommendations of the Waterways Committee and the professionals and should not ignore the comments from the Harbor Master. He stated that one should never assume that all boaters are calm, rational, and knows what they're doing.

Chairman Ketchum stated that Ms. Ridenour's comment regarding relocating mature shellfish differs from that of Mr. Burgess, stating that Ms. Ridenour noted it takes a few years for the seed to grow, and relocating them and returning them to the site interferes with the time and monetary investment the town has put into seeding that are

Mr. Burgess relayed information from Mr. Davidson regarding the channel and navigation. He stated that he still has some work to do and will come back with a revised plan.

Mr. Burgess and Mr. Mancuso explained the possible relocation plan and the follow-up shellfish survey for the per Ms. Mulhall- Maguire's query.

Ms. Usowski explained that it is not reasonable to expect the Harwich Shellfish Warden to complete the shellfish survey for the benefit of a private homeowner, it would need to be another qualified person. Mr. Burgess stated that the homeowner could pay the town to have it done.

Chairman Ketchum stated that he doesn't see the Commission going against the recommendations made by the Town's experts.

No further Commission comments. No public comments.

MOTION

Ms. Mulhall-Maguire moved to continue the hearing to the January 7, 2026 meeting

Ms. Cyr seconded.

Vote: 6-0

Motion carried; Hearing continued to the January 7, 2026 meeting

Order of Conditions

James & Jarmila Sullivan, 31 Mill Rd & 6 Brora Dr, Map 15, Parcels U3 & U2-2, SE32-2603.

Reconstruction of existing joint use dock and maintenance dredging.

Ms. Usowski stated that the standard shellfish mitigation language is included in this Order of Conditions. They will need to pay \$2,000 per year for three years, either to be provided to the town to the shellfish fund to do the seeding in the harbor or that they may undertake under guidance of the natural resource director on their own.

Ms. Usowski explained the details in the order of conditions.

Chairman Ketchum expressed that he is not satisfied with the language on fertilizers. Ms. Usowski stated that it is the standard language used,

No further Commission comments.

MOTION

Ms. Mulhall-Maguire moved to close the public hearing and approve the Order of Conditions.

Mr. Coulson seconded.

Vote: 5-0-1 (Ms. Cyr recused herself)

Motion carried; Public Hearing closed and the Order of Conditions approved.

William and Barbara Connolly, 17 Dunes Road, Map 5, Parcel K1-2-0, SE-32-2619. Addition to an existing dwelling and associated mitigation plantings.

Ms. Usowski noted that this order of conditions was completed at the last meeting.

Request for a Certificate of Compliance

Harwich Conservation Trust, 2 Old Chatham Road, Map 65 Parcel N6-3, SE32-2510. Removal of structure and hardscape.

MOTION

Chairman Ketchum moved to approve the Certificate of Compliance.

Mr. Coleman seconded.

Vote: 5-0-1 (Mr. Coulson recused himself)

Motion carried; Certificate of Compliance approved.

Michael and Mary Beth Donovan, 5 Trinity Cove, Map 1 Parcel E3-9, SE32-2472. Removal of portion of existing dwelling and patio, construction of addition and deck, and associated planting.

Ms. Usowski stated she visited the site and compared the work with the plans as submitted. She found the structural additions and the deck in substantial compliance with the plan, there were small changes which resulted in a reduction of square footage, and the mitigation plantings were above the 90% survival rate. She stated that the maple and spruce trees were removed with her permission due to the degraded health of the trees and their proximity to the house. Ms. Usowski recommended approval of the Certificate of Compliance.

MOTION

Chairman Ketchum moved to approve the Certificate of Compliance.

Mr. Coulson seconded.

Vote: 6-0

Motion carried; Certificate of Compliance approved.

Minutes of November 19, 2025

MOTION

Ms. Cyr moved to approve the November 19, 2025 meeting minutes

Ms. Mulhall-Maguire seconded.

Vote: 6-0

Motion carried; November 19, 2025 meeting minutes approved.

Discussion and Possible Vote

Violation behind 19 Standish Woods Circle at 0 Standish Woods Circle, Map 116 Parcel C5-65.

Homeowner Mr. Adam Conviser explained that he cleared some brush and overhanging branches on his property to open up an existing pathway to the water. He stated that homeowners' association made note of this work and reported it. He stated that he is more aware of the rules and regulations now that he is on the Board of the Association.

Ms. Usowski informed the Commission that the Homeowners' Association contacted the State and the State in turn contacted her. When she and Conservation Assistant Meg Salmon went to the property, they found a very serious violation. She explained what they saw and stated that outside of the clearing, about 15 6-8 inch in diameter trees were removed that had fresh cuts on them, and many trees were limbed. She emphasized that the work done was not simply a case of clearing.

Ms. Usowski recommended the homeowners work with a professional restoration company to evaluate the health of what was cut to see if it will regrow. She stated that an enforcement order will be put in effect noting that within the next three to four months the homeowner needs to work with a company to evaluate the situation. She stated that the monetary fine is consistent with what the Commission has approved in previous violations and that the best thing that can come out of this case is that the homeowner learns from this, understands what was lost, and how to make it right.

Ms. Pilling stated that in some ways the homeowner will make up for the violation with a donation to the Conservation Fund. She stated that it is important to find a professional who can help to restore what was lost. She also expressed that it is more important that the land is fixed and that he has learned from his mistake. She explained that the violation fine goes into the general fund, not to Conservation.

Ms. Cyr asked to know who did the work for the homeowner. Mr. Convisor stated that he did not wish to divulge that information. Mr. Coulson stated that the Commission will need to speak to the person because they are supposed to know not to do this work without a permit. Mr. Coleman stated that the business engaged to do the work should have made Mr. Convisor aware that a permit was needed.

Mr. Convisor stated that the fine amount seems expensive and asked if could be lowered. Ms. Mulhall-Maguire stated that not every fine is going to be the same, it is proportional to the number of trees that are cut.

When Mr. Convisor was again asked who did the work, he said that Champion Tree Service was the business.

Ms. Pilling recommended that Mr. Convisor have the company take some of the responsibility.

Ms. Usowski stated that there is an appeal period which is noted on the back of the Conservation violation ticket.

Ms. Mulhall-Maguire stated she doesn't think the fine is inflated, noting that Ms. Usowski's fine amounts are consistently fair.

MOTION

Ms. Mulhall-Maguire moved to approve the violation recommendations as discussed.

Mr. Coulson seconded.

Vote: 6-0

Motion carried; Violation recommendation approved.

MOTION

Mr. Ketchum moved to approve an enforcement order stipulating that a professional consultant must be hired by March 3, 2026 to come up with a planting plan to be presented and approved by the Commission.

Mr. Coulson seconded.

Vote: 6-0

Motion carried; An enforcement order written up stipulating that a professional consultant must be hired by March 3, 2026 to come up with a planting plan to be presented and approved by the Commission approved.

Draft warrant article for Licensing and Reporting Requirements for Landscape, Fertilizer, and Plant Nutrient Application

Chairman Ketchum discussed the draft by-law addressing the issue of registering and requiring reporting from landscaping applicators. He stated that he is a strong advocate of making reporting a requirement. He stated that there should be data as to what people are putting on their lawns, especially around the significant ponds in town, including Hinckley's Pond. He would like the businesses to prove they are qualified to do what they're doing by getting a license and showing they have the training and also demonstrate they are aware of the state's requirements. He explained that if implemented, this would mean additional work for the Health Department.

Chairman Ketchum stated that per Ms. Usowski, the Conservation Commission needs to schedule a public hearing in this by-law.

Chairman Ketchum introduced Ms. Diana Preston, a member of the Harwich Pond Coalition who spoke about the article and the best way to implement it. She noted the programs available from the Cape Cod Cooperative Extension for landscape applicators businesses.

The Commission had an extensive discussion about the positives and negatives of the by-law, the various ways to firstly educate the businesses and the public, the work needed to implement and keep it successful, and how other towns on Cape Cod are dealing with the same issues.

It was noted that a joint work session with the Health Department is needed.

Notification of gas line maintenance work on Route 28

Ms. Usowski stated that Engrid wants to repair or replace 20 feet of gas line at the Herring River Bridge. She stated that she will encourage Engrid to contact the Harwich water department who are also doing road work, and MASS DOT who are doing sidewalk work. They don't have to apply to Conservation because they're public utility.

Possible Grants

Ms. Usowski stated that Assistant Conservation Administrator Meg Salmon drafted a pollinator pathway grant made available by the Department of Fish and Game, to install six pollinator gardens at publicly visible places around town. It is due at the end of December. She stated that one of the gardens would be located outside of town. She asked if Ms. Pilling might be available to give her input.

Road Treatment

Ms. Usowski had asked Highway Director Lincoln Hopper, if he would answer questions from the Commission regarding road sanding/ She stated that he respectfully declined, explaining that he is accountable to the select board and not other entities.

She recommended that if the Commission wanted the Highway Director to come in, the best way would be to write him a letter from the Conservation Commission. Ms. Usowski stated that she fully understands it would be great to see data on the negative impacts of road salt getting into water bodies and would be interested in seeing what other nearby communities do in terms of road sanding practices.

There was a discussion regarding past practices versus current and the possibility of more environmentally friendly tactics.

Ms. Pilling stated that the Highway Director should be respected for the good job that he is doing, but there are alternatives.

ANY OTHER BUSINESS WHICH MAY COME BEFORE THE COMMISSION

ADJOURN

MOTION

Mr. Coulson moved to adjourn the meeting at 9:26pm.

Mr. Coleman seconded.

Vote: 6-0

Motion carried; Meeting adjourned.

Attendees

William Lee

Kelly Grant

Adam Convisor

Lynne Hamlyn

Noreen Cahalane

William Cahalane

Mary Lou Cahalane

Mary Beth Donovan

Mark Burgess

Respectfully submitted,

Lisa Shaw, Executive Assistant

