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TOWN OF HARWICH

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HARWICH CONSERVATION COMMISSION - MEETING MINUTES

TOWN HALL – GRIFFIN ROOM

Wednesday, December 17, 2025 – 6:00 PM

Commissioners and Staff Present

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

Absent: None

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

The following applicant has filed a Request for Determination of Applicability

Johnson-Leary Realty Trust of 2014, 5 Kildee Road, Map 13, Parcel S3-0. Construction of an addition with a 31 square foot net increase in site coverage within Land Subject to Coastal Storm Flowage.

Mr. David Clark, PE-Clark Engineering, was present representing the homeowner.

Mr. Clark stated that the proposed project is a 31 square foot addition and a little less than half of it is within the flood plain. The area is primarily lawn and there is an existing walkway to be removed. The net increase in site coverage within the flood plane is 31 square ft. He stated that there is a wetland to the northeast of the property but that they are outside of the 100-foot buffer zone. He noted that there are no performance standards for the flood plain under the wetlands protection act and there are no flood plain regulations in Harwich at this time. He expressed that the project warrants a negative determination.

Ms. Usowski confirmed that there is only a 31 square foot net increase in site coverage within land subject to coastal storm flowage and that the RDA application was appropriate for the project. She noted that Harwich does not have a mitigation requirement for new structures in the flood zone at this time. She stated that the addition is in an open area with no trees or major vegetation needing to be removed.

Ms. Usowski recommended approval of the project with a negative two determination. She stated that the work will take place in a wetland resource area but will not have an adverse impact to the area or its interests.

Chairman Ketchum asked how the project relates to the FEMA map as included in the application.

Mr. Clark explained the basis and purpose for the FEMA map.

MOTION

Mr. Coulson moved to approve the RDA with a negative two determination with the stipulation that fertilizers, herbicides or pesticides are not to be used.

Mr. Coleman seconded.

Vote: 6-0

Motion carried; RDA with a negative two determination with the stipulation that fertilizers, herbicides or pesticides are not to be used approved.

The following applicants have filed a Notice of Intent

Deane Ferioli, 140 Forest Street, Map 31, Parcel D7. Construction of an addition to the single-family dwelling, removal of the existing deck, installation of a proposed raised paver patio, and proposed planting of native plants to offset the additional site coverage between the 50' and 100' buffer area of the lot.

Ms. Susan Ladue, Regulatory Specialist- Eastward Companies, was online and read through the narrative, speaking about existing and proposed conditions.

She stated that the project includes construction of an addition to the existing dwelling, removal of the existing deck, which includes a hot tub, the installation of a proposed raised paver patio and planting of native plants to offset the additional site coverage between the 50- and 100-foot buffer area on the lot. She stated that the lot is located in the RL zone and is 19,529 square feet with almost 120 ft of frontage on Forest Street. Half the lot is located within the 100-foot buffer area with a very small portion being within the 50-foot buffer along the lot frontage of Forest Street and a bordering vegetated wetland is located across Forest Street. There is approximately 856 square feet of existing disturbed area in the 50-to-100-foot buffer area, which includes a portion of the single-family home, existing retaining wall, existing deck, and existing driveway. The additional coverage includes the proposed addition to the home, raised paver patio, retaining wall, masonry stairs, and a handrail, as well as the installation of a dry well. She stated that the proposed drywall will capture runoff from the roof and patio with no runoff directed toward the resource area. The existing deck will be removed, and the remaining site will be revegetated. The existing gravel driveway within the 100-foot buffer area will be reduced from 15 ft wide to 10 ft wide. The remaining sides of the driveway will be loamed and seeded with fescue grass blend. She noted that approximately 105 feet limit of work silt dens and waddles will be installed to contain the proposed work and 165 square feet of existing lawn area will be removed. The temporary above ground irrigation will be maintained for a two-year period to ensure the restoration plants survive and if necessary, a single rail split rail fence or other marker will be installed between the existing lawn area and the newly planted restoration buffer plants.

Mr. Andrew Gerulay, Registered Landscape Architect-Yarmouth Design Group, was present to discuss the landscape plan. He showed on the plan where and what work will be done in each area on the lot. He spoke about the additional site coverage to be included. He stated that the mitigation calculations were for 364 square ft of additional site coverage in the 50-to-100-foot buffer and therefore the mitigation requirement is doubled for a total of 728 square feet.

Ms. Usowski relayed that some of the conversation at the site visit focused on tornado activity as well as work that would need permitting. She stated that the hot tub and deck, approximately 90 feet away from the wetland, will be removed and a dry laid patio with a drain will be installed away from the house. She noted that the closest bit of new structure is roughly 70 to 75 ft from the edge of the wetland to the north and is a bordering vegetated wetland. Ms. Usowski recommended putting the mitigation plantings to the north to provide more diversity and habitat rather than having just a strip of plantings along the road to Forest Street as it would better serve the wildlife habitat and add to the existing natural area to the wetland. She recommended the privet be removed and replanted with appropriate natives.

Ms. Usowski asked if winterberry holly is the proposed plant. Mr. Gerulay answered yes, adding that winterberry holly has done well at similar sites similar.

Ms. Usowski stated they are permitted to do some tree work. She stated that the owners have agreed to cease treatment of the lawn.

Ms. Mulhall-Maguire asked about the area for mitigation. Ms. Usowski stated that the privet will be swapped out for the native plantings. There was a lengthy conversation about where the mitigation plantings will be placed. Ms. Pillings stated that the mulch area on the plan could be a good area to plant the sweet fern, and swapping the privet for winterberry holly is a good idea. She recommended using native ground cover as it would be beneficial to ensure there won't be a temptation to continue to mulch it. Ms. Usowski stated that the Commission generally doesn't permit mulch in restoration or mitigation areas or within the 50-foot buffer.

Mr. Ketchum asked about a curved boundary area on the northeast side of the lot with mulch along the driveway between the privet and the road. Ms. Usowski stated that the area in question is where the trees came down during the 2019 tornado. Chairman Ketchum stated that the trees coming down resulted in the area being clear cut within the 100-foot buffer and they were not permitted to do this. He expressed that there should be more shrubs or trees planted in this area. He stated that Mr. Coleman suggested more plantings west of the current edge line, putting the winter berry where the 50-foot line is, and filling everything to the east of that with plantings doesn't really compensate for the clear cutting. Mr. Feroli, homeowner, explained why the area was clear cut, noting that most of the damage was done by the storms and work done by Eversource.

A discussion was had about the landscaping plan and the placement of the plants. It was noted that since the case needs to be continued they have time to revise the plan based on the Commission's suggestions and recommendations.

Ms. Usowski stated she is in favor of a half or split rail fence in the mitigation area on the north side to separate what should remain natural. In answer to Ms. Ladue's question, Ms. Usowski stated that in other projects the Commission has allowed a single rail split rail fence or intermittent stones.

Ms. Pillings asked if the road ward side will be a fully vegetated strip, not just a hedge with ground cover. Mr. Gerulay noted what will be done at that area.

Ms. Usowski stated that since the DEP number has not yet been issued and the landscaping plan needs to be revised the case should be continued to the January 7, 2026 meeting.

MOTION

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

Mr. Coulson seconded.

Vote: 6-0

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

Christopher & Megan Bloch, 7 Shoal Hope Drive, Map 4 Parcel D1-11, SE32-2623. Construction of an addition to the house and expansion of an existing deck within the Riverfront Area. *Continued from the December 3, 2025 meeting.*

Ms. Usowski stated that Ms. Lynn Hamlyn is out of the country and unable to attend the meeting.

Ms. Usowski stated that since the planting plan has now been revised and the DEP number has been issued, she recommended approval.

MOTION

Ms. Cyr moved to approve the NOI.

Ms. Pilling seconded.

Vote: 6-0

Motion carried; NOI approved.

Jeffrey Lang and Sandra Wycoff, 11 River Bend Road, Map 1, Parcel G1-9, SE32-2622. Float relocation and Maintenance Dredging. *Continued from the December 17, 2025 meeting.*

Ms. Usowski stated that they need more time for plan revisions and have requested a continuance to the January 7, 2026 meeting.

MOTION

Ms. Cyr moved to continue the hearing to the January 7, 2026 meeting.

Mr. Coulson seconded.

Vote: 6-0

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

Order of Conditions

The Compact of Cape Cod, 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.

Ms. Usowski summarized the project.

Chairman Ketchum voiced his concern about the current language written in the orders of conditions with respect to fertilizers. He would like to see more specific language and relayed that the language should be consistent with existing UMass guidelines and 330 CMR 31 language defining fertilizers and other nutrients.

A discussion was had regarding fertilizer use. Commissioners voiced their opinions and made suggestions. Ms. Usowski asked if she could use the existing language that states no fertilizers, pesticides, and herbicides for this case's order of conditions. The Commission agreed she could.

MOTION

Ms. Mulhall-Maguire moved to approve the Order of Conditions.

Ms. Cyr seconded.

Vote: 6-0-1. Mr. Coulson abstained.

Motion carried; Order of Conditions approved.

Discussion and Possible Vote

Conservation Restriction, James S. DiStasio and Janice M. DiStasio, 19 and 25 Bonnie Lane. Condition of approval for project SE32-2341. Protection in perpetuity of a .89 acre portion of a parcel of unregistered land for conservation purposes.

Ms. Usowski summarized the project. She stated that since she hasn't heard back from the State on whether they agree with the language/verbiage on the restriction, the discussion will continue at a future meeting.

She stated that most of the site was wet and is mitigation constrained. In lieu of traditional mitigation efforts, the conservation restriction was put on the site as a form of mitigation.

Chairman Ketchum stated that the last time he checked they were using fertilizer. Ms. Usowski stated they signed a legal document saying that they wouldn't fertilize, but will touch base with them. She stated that if it is determined they were in violation, the Commission would first accept the Conservation Restriction and then pursue an enforcement matter. Ms. Usowski stated that the Commission wanted the Conservation Restriction in place before doing the Certificate.

Update on fertilizer discussion from last meeting 12/3/2025

Chairman Ketchum stated that they hope to set up a meeting with the health department to discuss fertilizer. He stated that the Chair of the Board of Health is also interested in finding a way to address the issue.

There was a lengthy discussion on the subject of fertilizer use. Commissioners asked questions, voiced concerns and made suggestions on the subject of the standard language to be used in the orders of conditions.

Ms. Usowski stated that the Conservation Department will contact other towns to ask about their strategy. She proposed scheduling a work session for Thursday, January 29, 2026 at 1:00pm for further discussion.

Other Issues brought up

Mr. Coulson asked if Champion Tree Service has been contacted related to violation at 19 Standish Woods.

Ms. Usowski stated she will invite the business to a future meeting to discuss the prospect of a fine.

Mr. Coulson stated he saw an excavator at a North Road address. Ms. Usowski stated a septic system is being installed.

Mr. Coulson reminded the Commission that a single rail fence still needs to be installed at the Herring Run.

Ms. Usowski said she will contact the DPW.

Chairman Ketchum stated that the Cape Cod Technology Council has scheduled meetings the first friday of each month with a presenter in attendance. He stated that Mr. Bob Wells of New England Biochar will be the presenter at the January meeting to speak about biochar and how it is being used to improve soil health, sequester carbon, and reduce environmental impact.

Ms. Pilling stated she wants to continue the road salting conversation. Ms. Usowski made suggestions as to how to go about starting and continuing the discussion and researching what other towns are doing before scheduling a meeting to discuss the options.

Ms. Usowski asked the Commissioners to sign documents that need to be reissued to people.

Minutes of December 3, 2025

Minutes not ready to be voted on.

ANY OTHER BUSINESS WHICH MAY COME BEFORE THE COMMISSION

ADJOURN

Mr. Coulson moved to adjourn the meeting at 7:25pm

Mr. Coleman seconded.

Vote: 6-0

Motion carried; Meeting adjourned.

Respectfully submitted by Lisa Shaw, Executive Assistant