



TOWN OF HARWICH
WATERWAYS COMMITTEE
*Harwich Channel Studio
Community Center
100 Oak Street
Wednesday, June 18, 2025, 6:00 PM
AGENDA*

ATTENDANCE AND INTRODUCTIONS:

MINUTES: March 19, 2025 and April 16, 2025 Review & Approval

CONSENT AGENDA: None

OPEN FORUM:

NEW BUSINESS:

1. 11 Nons Road- Proposed dock restoration
2. 69 Snow Inn Road- Proposed dock replacement

OLD BUSINESS:

1. Big 3 Wychmere Town Pier Usage Request.

CORRESPONDANCE:

NEXT MEETING: Wednesday July 16, 2025

ADJOURNMENT:

Authorized Posting Officer: Dan Hall, Waterways Committee Chairman
Posted By: Dan Hall, Waterways Committee Chairman
Signed Date: June 12, 2025

Posting Date: 6/12/2025

**TOWN OF HARWICH
WATERWAYS COMMITTEE
Harwich Channel Studio
Community Center
100 Oak Street
Wednesday, March 19, 2025, 6:00 PM**

AGENDA

Mr. Hall called the meeting of the Waterways Committee to order on Wednesday, March 19, 2025 at 6:04PM.

Attendance and Introductions:

MINUTES: February 19, 2025 Review & Approval

It was noted that Don Yannuzzi's name had been misspelled.

Motion to approve the Minutes of February 19, 2025 with the noted spelling correction was made and seconded.

Vote: 6:0 in favor. Motion carried.

CONSENT AGENDA: None

OPEN FORUM:

FINANCIAL REPORT: February, 2025 Monthly revenue comparison

Mr. Neiser noted that any differences in the reports are due to the timing of billing. He also noted the reasons for the increase in the electric bill.

NEW BUSINESS:

1. Kerry/Marjollet: Proposal for seasonal dock at 0 Pleasant Lake Ave., Long Pond.

A proposal was given by Mark Burgess, an Ocean Engineer representing Shoreline Consulting. He gave a visual presentation of a map showing the area where the dock will be and the specifications of the dock.

Mr. Neiser noted that there are no issues from a navigational stand point and Amy Usowski of the Conservation Commission had no issues either. There are a total of five projects being filed, three of those tonight. The new Harbormaster will be starting on the 31st and will be part of the conversations regarding the last two.

March 19, 2025

A motion was made to approve the plans for project number SC-238 dated 01/09/25. The motion was seconded.

Vote: 6:0 in favor. Motion carried. Members signed two copies of the approved plan..

2. Fisher: proposal for an 11 'extension to an existing dock at 101 Sequattom Rd., Long Pond.

Mr. Burgess gave a visual presentation of a map showing the area and the existing docks. He described the dock and the proposed extension in detail.

Mr. Neiser noted that he sees no issues and has no objections.

A motion was made to approve project number SC-256 dated 02/17/25. The motion was seconded.

Vote: 6:0 in favor. Motion carried. Members signed two copies of the approved plan..

3. Badavas/Sullivan: Proposal for reconstruction of existing pier within the same footprint. Proposing to change south pier from a fixed pier to a ramp to floating docks

Mr. Burgess continued with the third proposal. He gave a brief history of and described the existing dock in detail. There is no change to the footprint and the permit allows for the proposed work. The dock is co-owned and he noted each owner's preference. He will be applying for a license to dredge which will have seasonal restrictions.

Mr. Neiser noted that neither he nor Ms. Usowski has issues with the proposal. He also noted that Mr. Yannuzzi will address the shellfish issue. Mr. Neiser read from the paragraphs in the proposal regarding the dredge spoils, noting that they would be brought to a public access area.

Mr. Burgess responded that he has not had issues with that in the past.

Mr. Neiser commented that he feels the new Harbormaster should look at the way the dredge spoils will come in, noting that it is an active ramp. He suggested that no decision be made until the Harbormaster has an opportunity to be consulted.

Mr. Burgess described how the dredge spoils are removed. He noted that because of time restrictions, it wouldn't be done before May 31st. He suggested that the Waterways Committee make a recommendation that they are fine with the project and that the dredging should be done in the off season, after October and before January 15th.

Mr. Neiser emphasized that he would be more comfortable if the new harbormaster took a look at the proposal.

Mr. Hall requested the Mr. Burgess supply specific wording about the dredging including dates.

Committee members discussed dates that would cause the least amount of interference. It was suggested that the work be done after the summer season.

A motion was made to table SC-217 dated 01/10/25 until the next meeting. The motion was seconded.

Vote: 6:0 in favor. Motion carried.

Mr. Burgess briefly described the two projects that he has not yet proposed. He suggested that Committee members view the sight at low tide before the next meeting.

OLD BUSINESS:

CORRESPONDANCE:

NEXT MEETING: April 16, 2025

ADJOURNMENT:

A motion to adjourn was made and seconded.

Vote: 6:0 in favor. Motion carried. Meeting adjourned.

Respectfully submitted,

Judi Moldstad
Board Secretary

March 19, 2025

**AGENDA
TOWN OF HARWICH
WATERWAYS COMMITTEE
Harwich Channel Studio
Community Center
100 Oak Street
Wednesday, April 16th, 2025, 6:00 PM**

Attendance and Introductions: Members of the Committee and guests introduced themselves for the record.

MEMBERS PARTICIPATING: Dan Hall, Chair, Dan Casey, Larry Brutti, Kent Drushella, and Roger Peterson

ALSO PARTICIPATING: John Harker, Harbormaster and Bill Neiser, Deputy Harbormaster, Bill Neiser, Deputy Harbormaster, John Our, Mark Burgess and Suzanne Lake

MINUTES: March 19th, 2025 Review & Approval

Mr. Hall postponed the vote on the Minutes of March 19, 2025 until the May meeting to give members time to review them.

Mr. Hall moved to postpone the vote on the Minutes of March 19, 2025. Seconded by Mr. Drushella.

Vote: 5:0 in favor, Motion carried,

CONSENT AGENDA: None

OPEN FORUM:

FINANCIAL REPORT: March, 2025

Mr. Harker noted that there is still fluctuation in the electric bills. Everything else is average for April.

NEW BUSINESS:

1. Big 3 Wychmere Town Pier Usage Request

Mr. Harker noted that this request was received on March 10th. The request is for the tuna tournament, July 10th and 11th. He described the requested use of the pier in detail.

Mr. Our described the need for the additional pier and how they would handle the vessels as they come in. His hope is that the tuna buyer's truck would be at the pier to avoid having to put the tuna back in the vessel to go to a different pier for unloading.

Mr. Harker recommended requiring the \$120 fee for the T-permit.

Mr. Our offered to pay a fee to cover the T-permits for the tournament.

Committee member discussed the tournament and options of how the fees could be paid. They considered a total fee of \$500.00.

Mr. Drushella noted that the Waterways Committee can make a recommendation but they do not have the authority to waive or change fees. He commented that this issue may have to go before the Select Board.

Mr. Harker suggested that the conversation be continued to the next meeting and he will get more information regarding the permitting and fees.

Mr. Peterson suggested calling it a special event fee rather than a daily fee.

Mr. Brutti moved to accept \$500.00 special event fee for the Big 3 Fishing Tournament on July 10 and 11 pending approval by the Harbormaster. Seconded by Mr. Peterson.

Vote: 5:0 in favor. Motion carried.

2. PBCB Special Purpose Mooring Request

Mr. Peterson recused himself from the discussion.

Mr. Harker described the Pleasant Bay Community Boating and noted that it qualifies for a special purpose mooring. He described the request in detail.

Suzanne Lake gave a description of how the program is run and what she anticipates for this summer. She noted that this addition would max out the program.

Mr. Harker noted that if approved, it would be an edit to the Harbor Management Plan and would have to go before the Select Board.

Mr. Drushella moved to recommend to allow for an additional four mornings to the existing mooring field as presented on the plan for PBCB. Seconded by Mr Brutti.

Vote: 4:0:1 in favor with Mr. Peterson abstained. Motion carried.

3. 9 Stanley Road Proposed Reconstruction Seasonal Dock (Hinckley's Pond)

Mark Burgess of Shorefront Consulting gave a description of the present dock and a description of the proposed dock and deck. He also described the area and the options of how the project would be done.

Mr. Harker noted that there are no concerns of hazard and navigation with the proposed project.

Committee members asked questions which Mr. Burgess answered.

Mr. Drushella moved to accept the plan as submitted on April 16, 2025 Project Number SC249 dated 12/19/24 by Shortfront Consulting. Seconded by Mr. Peterson.

Vote: 5:0 in favor. Motion carried.

Mr. Burgess gave his full sized copy of the plan for the Committee members to sign.

4. 37 Nons Road, Proposed Pier, Ramp, and Float in Oyster Creek

Mr. Burgess described the proposed pier, ramp and float in detail, noting locations and materials that will be used. He noted the potential options for the deck and why he chose the location he described. He explained why he did not think a variance was necessary.

Mr. Harker responded with his concerns, noting that there are 14 potential additional docks and vessels in that area. He considers that a hazard to navigation. It is also not within the Harbor Management Plan. Mr. Harker noted that he and Mr. Yannuzzi had gone to the harbor at low tide and commented that the dee channel is very narrow. Both he and Mr. Yannuzzi agreed that this would not be a safe structure within that channel and explained their reasons in detail.

Mr. Burgess responded that they are dredging to 3', to meet the existing deep water channel. He also noted that they are dredging a parking space. He stated that he will be requesting a variance from Conservation. The noted that the dredging will be done between November and January 15th in order to utilize the ramp. He noted that the Committee had asked for specific dredging dates on another plan and he adapted this plan accordingly.

Mr. Harker distributed the recommendations from the Department of Natural Resources Officer. He read the key points and noted that Mr Yannuzzi's recommendation was that the project not be approved. Mr. Harker read the reasons for that recommendation.

Mr. Hall noted that he had also gone to the location and commented that the channel is tight.

Mr. Burgess responded that the shellfish survey has to be filed with a Notice of Intent, which hasn't been filed yet. He also noted that he had submitted it to the Waterways Committee when Heinz was there and all was good at that time.

Mr. Harker noted that with the choke point, the proposed water dependent structure, plus a boat on the dock and a severely restricted channel, this plan is, in his opinion, a hazard to navigation.

Mr. Burgess noted that the Harbormaster could, at his discretion, limit the size of the vessels. He noted that the float is way inside the existing channel. He showed where one boat projects into the deep water channel.

Mr. Harker commented that it's still under 50', which is the line for him.

Mr. Drushella noted that the Committee has recommendations from the Harbormaster and the Shellfish Warden not to support the plan as drawn. He asked if it could be pulled in a bit.

Mr. Burgess explained what intertidal dredging is and that it changes one resource area from coastal beach to land under ocean. He noted that regarding shellfish, \$6,000 is paid to the town before construction which goes into a special fund that can only be used for shellfish propagation. He noted that it would successfully seed 105,000 square feet.

Mr. Harker noted that any shellfish survey must be submitted directed to Mr. Yannuzzi for formal review and validation prior to any permitting considerations. Mr. Harker commented that he was not aware of that and this plan did not get to Mr. Yannuzzi prior to this meeting. He also noted that although they are aware of the \$6,000 option, it is not a practice that they want done within the shellfish propagation sites.

Mr. Hall asked if putting a dock in that location was possible.

Mr. Harker noted that there was 50 feet in the plan.

Mr. Burgess explained the restriction of a 50 foot wide channel and noted that this is presently 38 feet. He also noted the depth of 6 feet.

Mr. Harker summarized the reasons for the recommendations to not support this plan as presented

Mr. Drushella moved that the Waterways Committee recommendation is for Mr. Burgess to reevaluate the plan to meet the 50 foot wide requirement of the Harbor Management Plan. Seconded by Mr. Brutti.

Vote: 4:1 with Mr. Peterson voting against.

OLD BUSINESS:

1. 31 Mill Road, Proposed Reconstruction of Existing Pier with Maintenance Dredging in Saquatucket Harbor

Mr. Burgess explained the proposed reconstruction and noted that it is not planned at this time. He explained the need for the reconstruction of the existing pier and the plans for dredging. Mr. Burgess noted that he will be bringing the plan to Conservation before he makes further changes. Regarding the issue of getting rid of the material, Mr. Burgess explained that he would plan on

some time between November and January 13th. They would schedule the dredging to be able to access the public boat ramp.

Mr. Harker asked if there would be a multiple dredge project and how he determined that 99 yards was the perfect number.

Mr. Burgess replied that the permit would allow them to go back. He chose 99 because it's under 100. He noted that the initial focus of the project was the dredging to get the owners back to their approved permitted dredge depth.

Mr. Harker noted that the recommendation from the Harbormaster's Office is to not have any use of public access ramps for any type of dredge spoiling off load, noting and reading 320CMR. He also noted the time and use of the public ramp and that the ramp was not designed to support dredge spoil offload. He added that that would be for the previous project also.

Committee members, Mr. Harker and Mr. Neiser discussed options to off load dredge spoils other than using the ramp. They asked questions and expressed concerns which Mr. Burgess addressed.

Mr. Hall commented that there are no issues with the project. The concern is how to get rid of the spoils. He asked that Mr. Burgess come back to them with more detail on how it would be offloaded.

Mr. Drushella suggested they vote to recommend the project. The other issues will be dealt with by the Harbormaster and Conservation.

Mr. Drushella moved to accept the project as drawn out on plan #217 with the contingency that the Harbormaster and the applicant arrive at an agreeable offloading site and process to get the project accomplished, that does not include the use of the boat ramp. Seconded by Mr. Peterson.

Vote: 5:0 in favor. Motion carried.

CORRESPONDANCE:

NEXT MEETING: Wednesday May 21st, 2025

ADJOURNMENT:

Mr. Drushella moved to adjourn. Seconded by Mr. Brutti

Vote: 5:0 in favor. Motion carried. Meeting adjourned.

Respectfully submitted,

Judi Moldstad
Board Secretary

April 16, 2025

CAPE COD ENGINEERING, INC.

P.O. Box 1517

East Dennis, MA 02641

Tel 508-385-1445 / Fax 508-385-1446

bobperry@capecod.net

**Narrative
Proposed Dock Reconstruction
11 Nons Rd, Harwich Port**

The area subject to this Notice of Intent is land on the immediate shoreline and within Allen Creek in Harwich Port. Please see the locus map for the exact location.

The Site

The land and water - accessed site is a residential site with an existing home and typical yard amenities. The upland landform slopes down to the Allen Creek shoreline where the upland and the Coastal Beach are separated by a marine bulkhead with a boulder stone apron. The coastal resource complex in the immediate shoreline area on the parcel consists of coastal beach, land containing shellfish and land under the ocean. The Allen Creek navigation channel is routinely dredged in the vicinity of the existing pier facility. This overall area of Allen Creek was largely man-altered, with significant alteration occurring from 1926 on.

The Proposed Project

The proposed project involves modifying an existing pile-supported pier to change the berthing aspect from a fixed pier, spring-line arrangement where "whips" might be employed to securing the vessel to a seasonal pile-anchored float system. The pile-supported pier has existed since the early 1950's. The pier structure was licensed in the 1970's but was re-licensed in 2024. The pier facility is now licensed under MA DEP Waterways License No. WW01-0000424. At the outward side of the pile-supported pier a pile-supported "L" platform exists providing the berthing tie-off location.

The revised proposal is to remove all former pier components with appropriate disposal of the debris. The **existing** fixed pier structure extends 35 feet from the bulkhead. The applicant / owner proposes a 20 ft. long X 4 ft. width pier segment to extend out from the existing marine bulkhead, followed by a 5 ft long x 6 ft width segment, which brings the total length of pile supported pier to 25 ft. This proposed length of pile-supported pier is 10 ft. less encroachment than the existing pile-supported structure.

A proposed 2.5 ft. width X 16 ft. long seasonal ramp, hinged onto a 4 X 4 ft. landing provides access to two 8 ft. wide X 17 ft. long, pile anchored floats. The ramp is aligned along the side of the pier.

The proposed float system is located to be as consistent as possible with the existing "L" configured platform.

Construction activity shall be primarily by the navigable waters of Allen Creek by marine construction barge. Minimal construction access shall be via the upland.

Regarding performance standards and related consequential impacts, the pier has existed for many decades. The removal of the significant-size, permanent decked, "L" portion of the pier has benefits relating to eliminating the 12-month shading, occupation, and related water sheet access. The applicant seeks approval of the proposed float system based on the acceptance that removing the permanent "L" can be viewed as mitigation for the 72 added square feet of float area beyond the 200 s.f. limit and for the 2 ft. added width for a bench at the very end of the pile – supported pier.

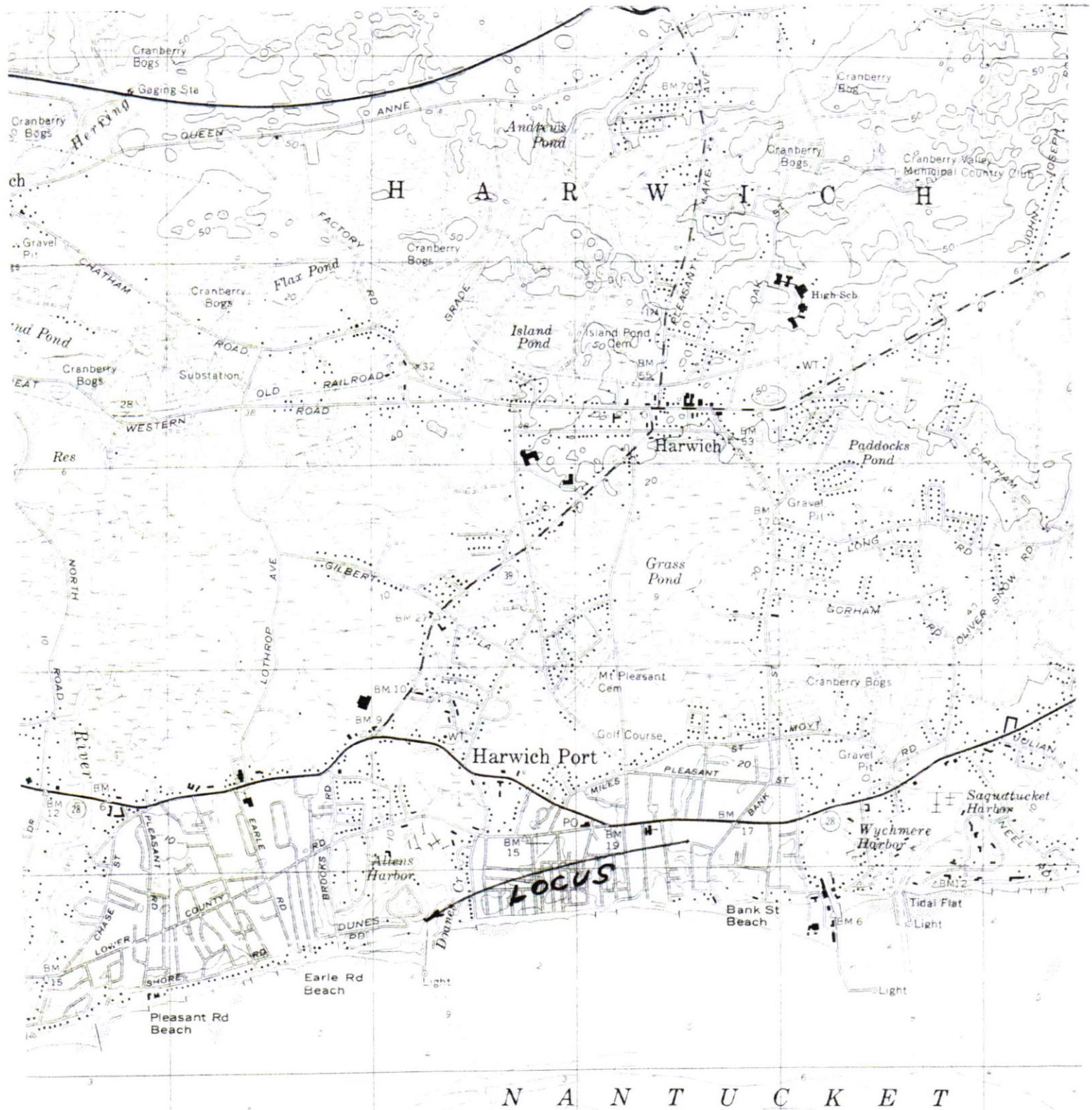
The replacement materials shall comply with Town of Harwich regulations for wood preservative. No aquatic vegetation is present near the work area. Based on evaluation of the general area of the existing facility, comparison with the almost annual dredging activity impacts, the activities relating to the seasonal work on existing nearby docks, we can conclude that the project of modifying the existing facility, properly done in conformance with an Order of Conditions, will have no significant adverse effects on the coastal resource areas, shellfish or finfish or the interests of the MA Wetland Act or Harwich Wetland By-Law. With the berthing location remaining as it was but slightly shoreward of the existing location at the south end, there is no adverse change to the navigable conditions.

The project requires relief from the Town of Harwich regulations for water-dependent structures Section 304-8 as follows:

304-8 B . The new float pair is situated to be the **same** separation as the existing "L" pier at approx. 63 ft. from the float on adjoining property to the south where 65 ft. is required. The dock facility to the south at 7 Nons Rd. encroaches in toward the 11 Nons Rd. water sheet. The Waterways License plans for 7 Nons Rd. prepared before construction indicates a 65 ft. separation. A pile – to float separation was calibrated at 63 ft. The 2 ft. difference is not unexpected for marine construction tolerance in open water. The 11 Nons Rd. float proposal simply maintains the existing distance between the two facilities.

304-8 D – The outer 5 ft. of the proposed pier is proposed to be 6 ft. width, where 4 is required for new piers, to allow for a box / bench. The existing structure being removed is 7 ft. wide as a maximum for approx. 14 ft.; 6 ft. width for another 14 ft. This existing 14 ft. X 6 ft. wide segment has a 10 ft. long storage box. The existing structure has approx. 303 s.f. of permanent pier deck; the proposed pier has 126 s.f. of pier deck, 177 s.f. less than the existing.

304-8 E – The proposed float system includes (2) 8 ft. width X 17 ft. long floats, exceeding the 200 s.f. limit by 72 s.f. As a mitigation consideration, 177 s.f. of "L" shaped permanent pile-supported pier and decking is being eliminated from the waterway. The proposed float is "L" configured which also conflicts with this section of the regulations. The existing facility is "L"-configured and a general evaluation of the channel, existing traffic, shoreline shape and adjacent docks indicates the long established "L" - configuration is optimal for this location. The proposed changes allow for a slight clockwise alignment rotation so vessel berth is slightly landward on the south where the channel turns slightly improving navigable space slightly.



LOCUS MAP
PORTION OF USGS HARWICH QUADRANGLE
11 NONS ROAD, HARWICH PORT

980 000 FEET 408

409

5' 410

411

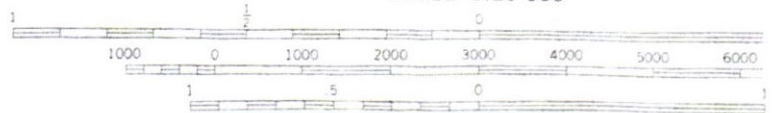
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and Massachusetts Geodetic Survey
methods from aerial photographs
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s taken 1973

piled from NOS 257 (1972) and
s not intended for navigational



SCALE 1:25 000



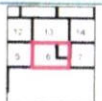
CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929
DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOW V
SHORELINE SHOWN REPRESENTS THE ADJACENT

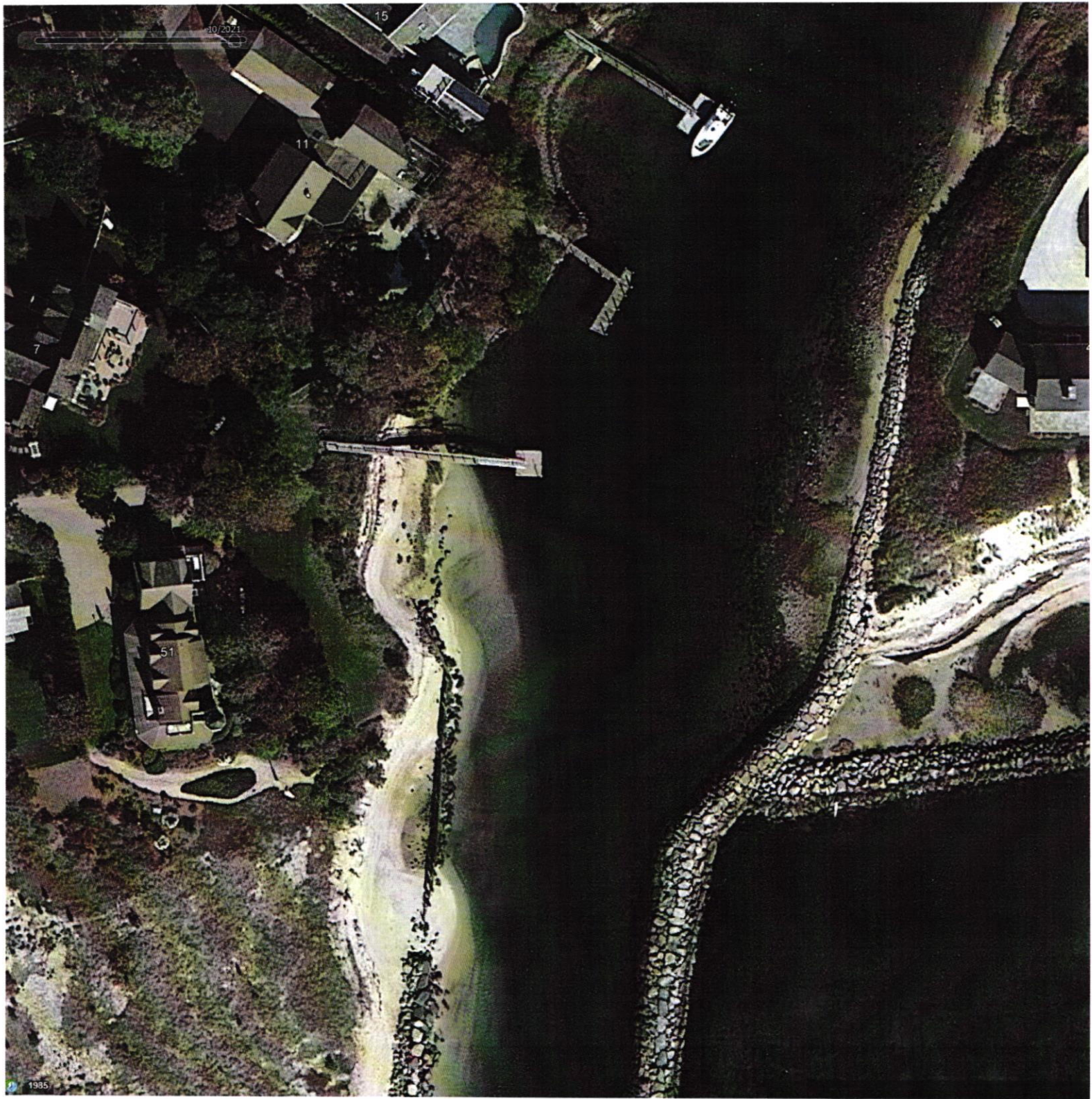


Note:
These maps are not intended for use in conveyancing or for
engineering design purposes. The Town of Harwich and its
representatives shall not be held liable for any reuse of this information.

TOWN OF HARWICH **ASSESSORS MAP** January 2022

100 Feet





The Commonwealth of Massachusetts



No. WW01-0000424

Whereas, Jacqueline L. Beirnes Trust, Margaret Champion, Trustee

of -- the State of Georgia --, has applied to the Department of Environmental Protection for license to -- maintain an existing pile supported pier and marine bulkhead with rip-rap --

and has submitted plans of the same; and whereas due notice of said application, ~~and of the time and place fixed for a hearing thereon~~, has been given, as required by law, to the -- Select Board -- of the -- Town of Harwich. --

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said

-- Jacqueline L. Beirnes Trust, Margaret Champion, Trustee --, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- maintain an existing pile supported pier and marine bulkhead with rip-rap --

in and over the waters of the -- Allens Creek -- at -- 11 Nons Road -- in the -- Town of Harwich -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. WW01-0000424 (3 sheets).

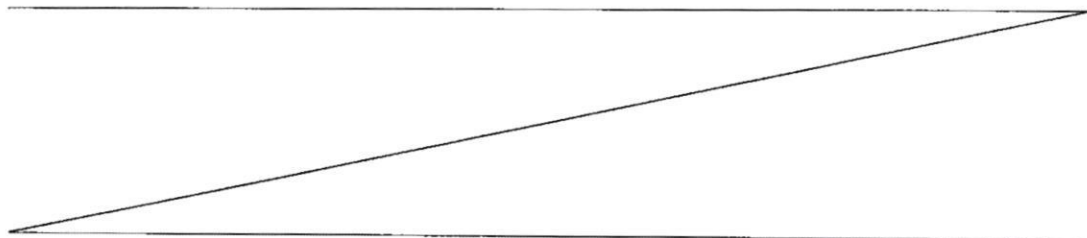
The structures hereby authorized shall be limited to the following use(s): shoreline stabilization for protection of existing structures and to provide noncommercial docking and boating access to navigable waters.

This license will expire thirty (30) years from the date of license issuance. By written request of the licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

The project authorized herein has been completed in conformance with the accompanying plan. The issuance of this License, therefore, fulfills the Licensee's obligation to obtain a Certificate of Compliance pursuant to 310 CMR 9.19.

Special Waterways Conditions:

1. In accordance with any license condition, easement, or other public right of lateral passage that exists in the area of the subject property lying between the high and low water marks, the Licensee shall allow the public in the exercise of such rights to pass freely over, under, or around all structures within such intertidal area. Accordingly, the Licensee shall place and maintain, in good repair, a public access sign on both the northerly and southerly property lines on the face of the bulkhead authorized herein. Said signs, designed in accordance with the signage specifications provided by the Department, attached hereto, shall be posted within 60 days of the date of license issuance. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.
2. In partial compensation for use of structures on tidelands of the Commonwealth, which interferes with the rights of the public to use such lands, the Licensee shall allow the public to pass on foot, for any purpose and from dawn to dusk, within the area of the subject property lying seaward of the high water mark. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activities by users of the area(s) intended for public passage, including but not limited to trespassing on the adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore. Further, the exercise by the public of free on-foot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s.17c apply.
3. No dredging (including, but not limited to the effects of prop wash) is permitted herein.
4. The use of unencapsulated polystyrene as part of any permanent or temporary component of the structures and/or fill authorized herein is prohibited.



Duplicate of said plan, number WW01-0000424 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.

2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.

3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.

4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.

5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.

6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.

7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.

8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the MassDEP.

9. This License authorizes structure(s) and/or fill on:

X Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.

X Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.

 a Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.

 Navigable River and Streams. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, in the waterway.

No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.

10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

The amount of tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Jacqueline L. Beirnes Trust, Margaret Champion, Trustee -- by paying into the Treasury of the Commonwealth -- two dollars and zero cents (\$ 2.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department. (31 cy = \$ 62.00)

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Barnstable.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this 2nd day of October in the year two thousand twenty-four.

for Program Chief Bla C. Aff

Department of Environmental Protection

Commissioner W. Deluca

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said -- Jacqueline L. Beirnes Trust, Margaret Champion, Trustee --

of the further sum of -- seven hundred eighty-six dollars and zero cents (\$786.00) --

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

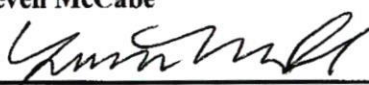
BOSTON,

Approved by the Governor.

M. T. Kelly
Governor

Assent Declaration

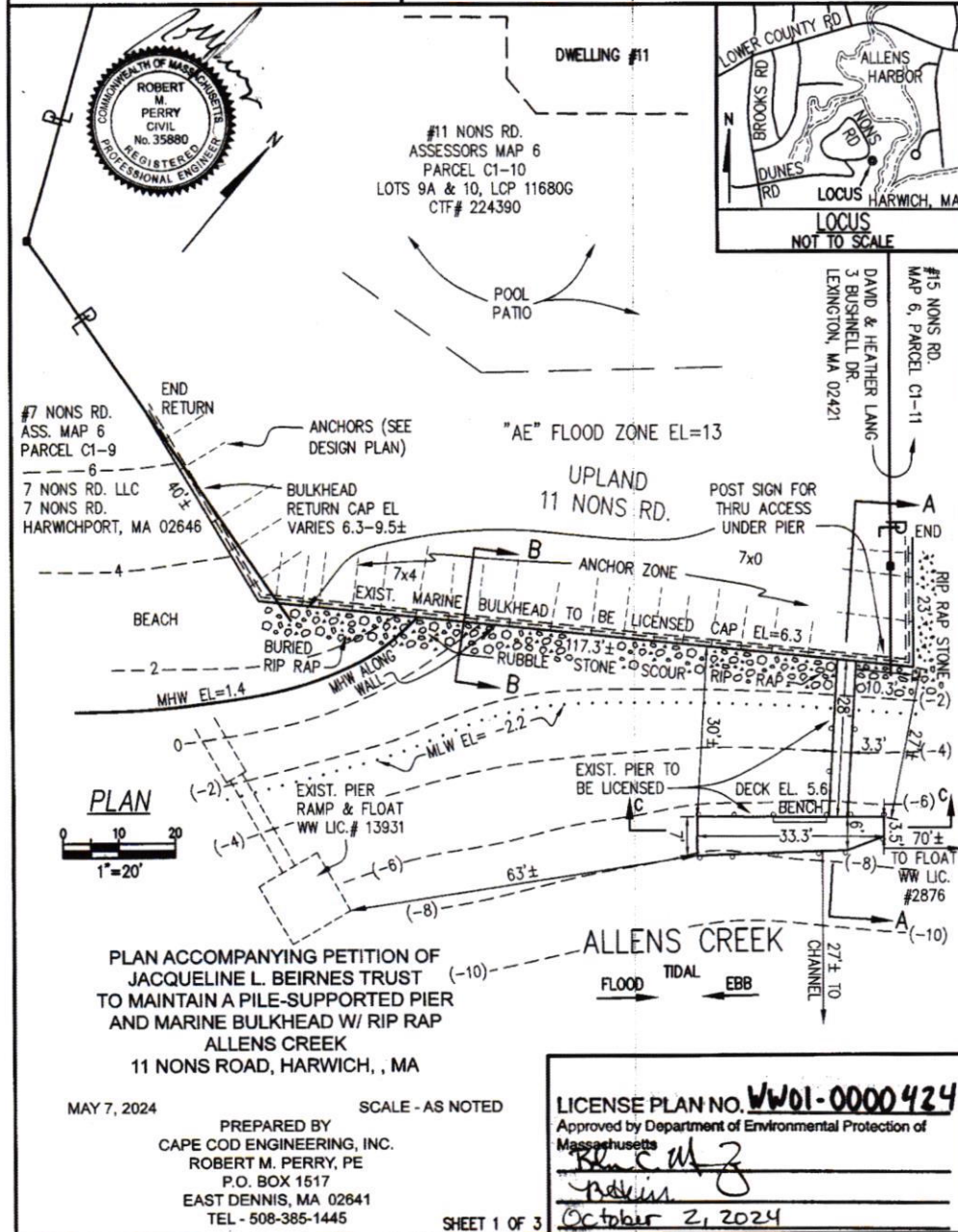
Steven McCabe and Lauren McCabe, owners of 11 Nons Road, Harwich Port, MA, hereby assent to the recording of M.G.L. Chapter 91 Waterways License No. WW01-0000424 and plans to be recorded with Certificate 236621

	10/17/24
Steven McCabe	Date
	10/17/24
Lauren McCabe	Date

I hereby certify that this plan was prepared in conformance with the Rules and Regulations of the Registry's of Deeds as adopted Jan. 1, 1976 and amended Jan. 8, 1988.

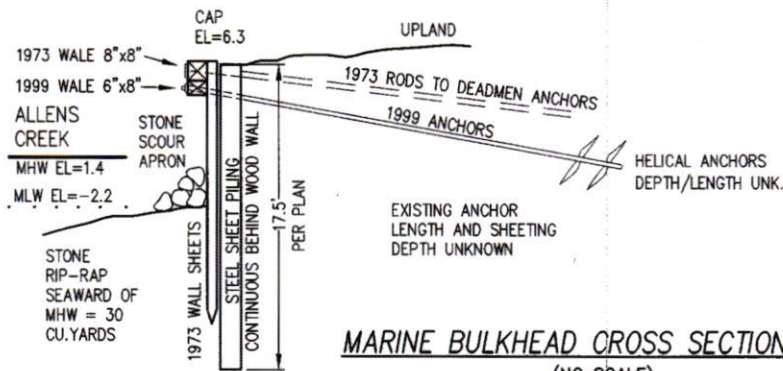
Robert M. Perry

10-23-24
Date

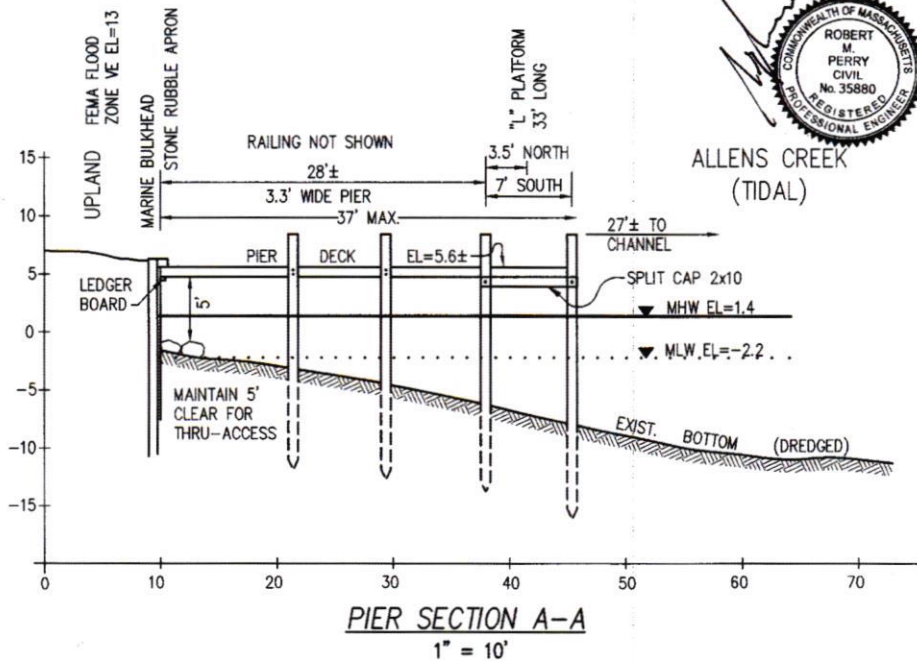


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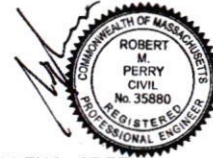
1. LOCUS: 11 NONS ROAD, HARWICH, MA LOTS 9A & 10, LCP 11680G, CTF 224390
2. ELEVATIONS REFER TO NAVD88
3. DEP WETLAND FILE NO. REFERENCE SE 32-1352 FOR MAINTENANCE OF EXISTING STRUCTURES



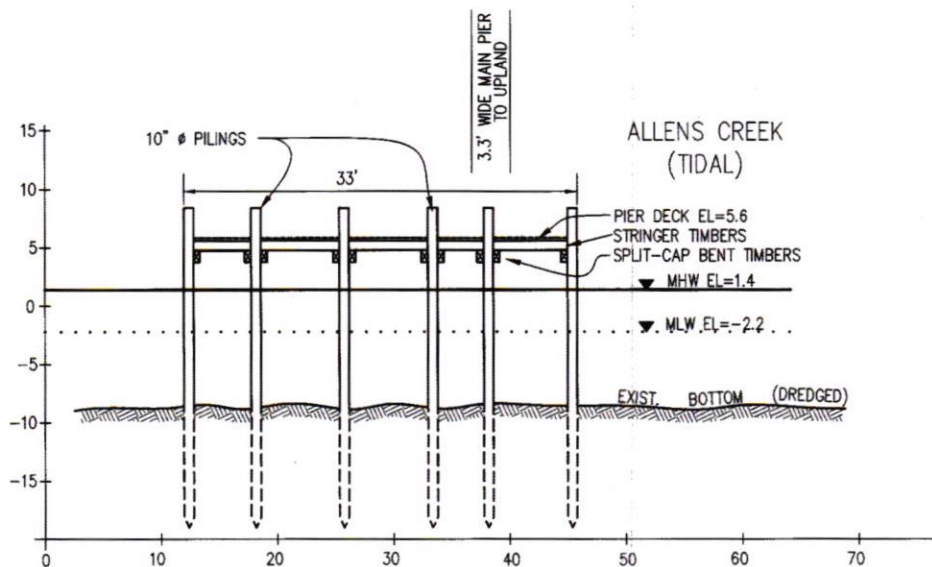
WV01-0000424
LICENSE PLAN NO.
Approved by Department of Environmental Protection
Date: October 2, 2024



ALLENS CREEK
(TIDAL)



JACQUELINE L. BEIRNES TRUST
TO MAINTAIN A PILE-SUPPORTED PIER
AND MARINE BULKHEAD W/ RIP RAP - MAY 7, 2024



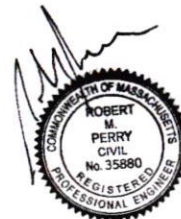
"L" PIER SECTION C-C
1" = 10'

PLAN ACCOMPANYING PETITION OF
JACQUELINE L. BEIRNES TRUST
TO MAINTAIN A PILE-SUPPORTED PIER
AND MARINE BULKHEAD W/ RIP RAP
ALLENS CREEK
11 NONS ROAD, HARWICH, MA

MAY 7, 2024

SCALE - AS NOTED

PREPARED BY
CAPE COD ENGINEERING, INC.
ROBERT M. PERRY, PE
P.O. BOX 1517
EAST DENNIS, MA 02641
TEL - 508-385-1445



LICENSE PLAN NO. **WW01-0000424**
Approved by Department of Environmental Protection
Date: **October 2, 2024**

SHEET 3 OF 3

BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register



R5089.063C.1.03
June 10, 2025

Harwich Waterways Committee
Harwich Town Hall
732 Main Street
Harwich, MA 02645

Re: **Notice of Intent**
Dock Restoration Project
0 and 69 Snow Inn Road, Harwich Port, MA

Dear Members of the Waterways Committee:

On behalf of Silver Shores Cape Cod, LLC (the "Applicant") Tighe & Bond is pleased to submit a Notice of Intent (NOI) to the Town of Harwich Waterways Committee for the Dock Restoration Project (referred to as "the Project"). The proposed Project entails reconstruction of an existing dock located in Wychmere Harbor at 0 and 69 Snow Inn Road, Harwich Port. The Project proposes in-kind replacement with minor updates to provide access to the waterway while limiting impacts to wetland resource areas and improving the safety of the structures. The NOI is being provided to the Waterways Committee in advance of submission to the Harwich Conservation Commission. The NOI will be submitted to the Conservation Commission for review at their July 2, 2025 meeting.

The proposed Project activities will occur within coastal wetland resource areas subject to protection under the MA Wetlands Protection Act (MA WPA), the Harwich Wetland Protection Bylaw (the Bylaw; Part 1 c. 310) and the Harwich Wetland Protection Regulations (WPR). A portion of the proposed work will occur on 633 Route 28 within an easement that grants the Applicant's property (Lot #2) exclusive rights to maintain, repair, and replace the dock for the sole and exclusive benefit of Lot #2. The dock will be replaced in the same location as the current structure.

We look forward to discussing the Project with you at the next Waterways Committee meeting scheduled for June 18, 2025. If you have any questions regarding this application or if you require additional information, please contact me at (508) 570-6485 or DCiaramicoli@tighebond.com.

Very truly yours,
TIGHE & BOND, INC.

Daniel J. Ciaramicoli, PE
Project Manager



Section 1

Introduction

On behalf of Silver Shores Cape Cod, LLC (the "Applicant"), Tighe & Bond is pleased to submit this Notice of Intent (NOI) application to the Town of Harwich Conservation Commission for the Dock Replacement Project (the "Project") at 0 and 69 Snow Inn Road, Harwich Port, MA. Project activities will occur within coastal wetland resource areas subject to protection under the Massachusetts Wetlands Protection Act (MA WPA; MGL c. 131 § 40) and its implementing regulations (310 CMR 10.00) and the Harwich Wetlands Protection Bylaw and Regulations.

The proposed Project entails reconstruction of an existing timber ramp, timber pier, and floating dock with gangway, located on Wychmere Harbor at 69 Snow Inn Road, Harwich Port ("Project Site"). The Project proposes in-kind replacement with minor updates to provide access to the waterway while limiting impacts to wetland resource areas and improving the safety of the structures. The structure consists of a timber pier elevated above the Salt Marsh, leading to a floating dock that provides access over a beach area to the waters seaward of MLW. Access to the dock structure from the upland area of the property is maintained by a timber ramp spanning the height of the Coastal Bank. Currently, the existing structure is in poor condition and presents a concern for safety and potential impacts to the Coastal Bank if not properly repaired.

A portion of the proposed work will occur on 633 Route 28 within an easement that grants the Applicant's property (Lot #2) exclusive rights to maintain, repair, and replace the dock for the sole and exclusive benefit of Lot #2. The dock will be replaced in the same location as the current structure. Copies of the easement plan (1992) and easement (1996) are provided in Appendix F. A Letter of Permission from the abutter at 633 Route 28 is included in Appendix G.

The proposed activities will be conducted in accordance with the specifications and relevant conditions listed within the original plans licensed under the MA Department of Environmental Protection (MassDEP), formerly the Department of Quality Engineering (DEQE; Waterways License No. 12722 and License No. 5663), in May 25, 2010 and January 14, 1970, respectively. Copies of the recorded license plans are provided in Appendix E. The structure will be reconstructed within the existing footprint and will not extend further into adjacent resource areas. The Project design has taken into consideration regulatory requirements at the federal, state, and local level.

This NOI is being submitted pursuant to the Massachusetts Wetlands Protection Act (MA WPA; MGL c. 131 § 40) and its implementing regulations (310 CMR 10.00) and the Harwich Wetlands Protection Bylaw and Regulations, as the proposed work will occur within resource areas including Coastal Beach, Coastal Bank, Salt Marsh, Land Under Ocean, and Land Subject to Coastal Storm Flowage (LSCSF). Work will also be conducted within the 100-foot Buffer Zone and 50-foot local "No-Disturb Zone." The seaward extent of the existing licensed dock structure is located where water depths are greater than 3 feet during MLW. As such, no dredging activities are proposed.

A copy of the NOI has been submitted to the Harwich Waterways Committee in advance of the Conservation Commission filing and is scheduled to be reviewed at the Committee's May 21, 2025 meeting. A copy of the NOI has also been provided to the Massachusetts

Division of Marine Fisheries – Southeast Marine Fisheries Station. Please refer to Appendix H for proof of delivery to MassDMF.

Due to the needs of the proposed reconstruction and the proximity of on-site wetland resource areas, the Project will result in approximately 1.57 LF of impacts within Coastal Bank, 4.71 SF of impacts within Salt Marsh, and 8.64 SF of impacts within Land Under the Ocean. 18.85 SF of work is proposed within Land Subject to Coastal Storm Flowage (LSCSF).

Figures showing existing conditions, site-specific environmental resources, land use, FEMA flood-levels, and other site features are provided in Appendix A. Project Drawings are provided in Appendix B. Site Photographs are provided in Appendix C. Abutter Information is provided in Appendix D. Copies of the existing Chapter 91 Licenses are provided in Appendix E. Easement Information is provided in Appendix F. A Letter of Permission from the abutter at 633 Route 28 is included in Appendix G. The MassDMF Transmittal Form is provided in Appendix H.

1.1 Project Overview

The Project consists of the reconstruction/replacement of the following elements:

- One 4-foot by 28-foot-10-inches fixed timber ramp
- One 4-foot by 80-foot timber pier
- One 3-foot by 14-foot aluminum gangway
- One 16-foot by 11-foot-6-inches timber floating dock
- One shore bird nest platform.

The seasonal float will be held in place by two, 12-inch diameter timber mooring piles. Seasonal components of the structure will be removed from November to April and stored in an upland area of the property beyond the limits of any wetland resource areas or buffer-zones. As shown on the Drawings in Appendix B, the floating dock will be stored within the 100-foot Buffer Zone from the top of the Coastal Bank.

The existing access ramp from the upland property to the dock structure will be replaced above the grade of the Coastal Bank and new vertical supports (12-inch diameter timber piles) will be replaced within existing support locations. The existing dock has an elevation of E.L +6.0, and the proposed dock will have an increased elevation of E.L. +7.0. The deck elevation of the proposed timber ramp has been increased to give a minimum of 6' of clearance above the Salt Marsh.

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SECTION 2

Section 2

Existing Environment

This section provides a site description and resource area characterization for the Project site. Wetland resource areas and land use in the general vicinity were determined based on direct observations made during site visits and review of information obtained from MassMapper and the Massachusetts Ocean Resource Information System (MORIS), publicly available through the Massachusetts Geographic Information System (MassGIS) and Massachusetts Office of Coastal Zone Management (CZM), respectively. The Project site is depicted on the figures in Appendix A.

2.1 General Site Description

2.1.1 Project Location

As indicated above, the Project is located at a single-family home on two waterfront lots, 69 and 0 Snow Inn Road (Parcel IDs 15-P3-A and 15-P3-1), in Harwich Port, MA, situated on the northern shoreline of Wychmere Harbor. The property is bounded by privately owned residential properties to the east (633 Route 28; Parcel ID 15-P3) and west (65 Snow Inn Road; Parcel ID 15-P1-B), Snow Inn Road and Route 28 to the north, and Wychmere Harbor to the south.

Wychmere Harbor is a coastal embayment located in the Town of Harwich, within the village of Harwich Port. It is situated on the southern side of Cape Cod and connects to the Nantucket Sound. The Harbor is used for recreational and commercial boating and is bordered by residential properties, marine facilities, and Town-owned land. It is subject to tidal influence and is within jurisdictional areas regulated under the MA WPA and the Harwich Wetlands Protection Bylaw.

2.1.2 Project Locus and Project Site

The Project Locus consists of a private single-family dwelling, a patio, a deck, a pool, and a timber pier extending into Wychmere Harbor. The property has approximately 85 linear feet (LF) of shoreline frontage on the Harbor. The upland area of the property of the Project Site consists of a conventionally managed landscape surrounding the existing dwelling. The southern water-facing side of the dwelling consists of a gradually sloping lawn occupying areas within the 100- and 50-foot buffer to the adjacent resource areas. The upland area of the property transitions to a densely vegetated thicket covering the Coastal Bank along the shoreline. The waterfront of the property primarily consists of a Salt Marsh platform (approximately 110 SF) spanning the length of the shoreline. The area seaward of the Salt Marsh has minimal slope and consists of a Coastal Beach area extending approximately 25 feet to MLW.

Historically, access to the water from the upland area of the property has been maintained by a timber pile-supported pier structure with gangway and float originally constructed in 1970 (Ch. 91 License No. 5663).

A portion of the proposed work will occur on 633 Route 28 within an easement that grants the Applicant's property (Lot #2) exclusive rights to maintain, repair, and replace the dock for the sole and exclusive benefit of Lot #2. The dock will be replaced in the same location

as the current structure. Copies of the easement plan (1992) and easement (1996) are provided in Appendix F. A Letter of Permission from the abutter at 633 Route 28 is included in Appendix G.

There is an existing pile-support timber pier extending from the front yard of the property adjacent to the eastern property line through Salt Marsh into the Harbor. A timber ramp spans from the end of the pier to a timber floating dock. The dock structure that provides access from the upland region of the property to the water is in deteriorating condition and will need to be replaced due to safety concerns and to avoid potential impacts to Bank.

The Project Site/"limit of work" consists of approximately 0.05 acres located on the southern portion of the property and is defined as the extent of temporary and permanent disturbance to upland and coastal resource areas required for the full reconstruction of the dock; as well as any associated equipment laydown/staging areas and areas proposed for temporary site access during construction.

The Project site is located within and adjacent to jurisdictional resource areas that include Coastal Bank, Salt Marsh, Land Under the Ocean, and LSCSF as further described below. Impact areas presented were calculated in AutoCAD using surveyed topography delineated resource areas, and other site features.

2.2 Wetland Resource Areas

The following wetland resource areas identified within the Project Site are subject to jurisdiction under the Massachusetts Wetlands Protection Act (MA WPA; M.G.L. c. 131 § 40), the MA WPA Regulations (310 CMR 10.00), **and** the Harwich Wetlands Protection Bylaw and Regulations, effective August 2023:

- Coastal Beach
- Coastal Bank
- Salt Marsh
- Land Under Ocean
- LSCSF
- 100-foot Buffer Zone

The following additional wetland resource areas identified within the project site are also subject to jurisdiction under the Harwich Wetlands Protection Regulations **only**:

- 50-foot No Disturb Zone: All of the area within 50 feet of any specific wetland resources protected under the Harwich Wetland Protection Bylaw and Regulations and the Massachusetts Wetlands Protection Act.

Descriptions of the jurisdictional wetland resource areas per the MA WPA and the Harwich Wetlands Protection Regulations are provided below.

Tidal datums were used to identify several of the wetland resource area boundaries and these lines were confirmed during the delineation. Table 2-1 lists the datums utilized in the delineation, based on the historical NOAA Tide Station "Saquatucket Harbor, MA"

#8447495 (Active: April 28, 1993, to October 19, 1993) for the 1983 Tidal Epoch (NAVD88) and corroborated with tidal datums computed using the NOAA VDatum software and information obtained from Buzzard's Bay National Estuary Program.

TABLE 2-1

Summary of Tidal Datums Utilized in the Wetland Resource Area Delineation

Datum	Elevation (ft, NAVD88)	
	Saquatucket Harbor	VDatum and Buzzard's Bay National Estuary Program
High Tide Line (HTL)	2.85	3.77
Mean High Water (MHW)	1.42	2.04
NAVD88	0.00	0.00
Mean Low Water (MLW)	-2.31	-2.96

Jurisdictional wetland resource areas and Buffer Zones (local and state) are depicted on the Project Drawings in Appendix B.

2.2.1 Coastal Beach

Per 310 CMR 10.27(2), a Coastal Beach means unconsolidated sediment subject to wave, tidal and coastal storm action which forms the gently sloping shore of a body of salt water and includes tidal flats. Coastal Beaches extend from the mean low water line landward to the dune line, coastal bank line or the seaward edge of existing man-made structures, whenever these structures replace one of the above lines, whichever is closest to the ocean.

In the vicinity of the Project area, Coastal Beach lies to the south of the delineated Salt Marsh and is entirely unvegetated. The Beach is largely comprised of sand.

2.2.1 Coastal Bank

Per 310 CMR 10.30(2), A Coastal Bank means the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland.

The Coastal Bank was identified as the inland landform abutting the shoreline and is depicted in the Project Drawings in Appendix B. The sloped Coastal Bank is presently stable and provides protection to the upland from storm surge and the influence of tidal fluctuations. Coastal Bank heights extend from the HTL to a crest elevation of 7.0 feet NAVD88 at the western end of the property and increasing to 10.2 feet NAVD88 at the eastern end of the property.

2.2.2 Salt Marsh

Per 310 CMR 10.32(2), a Salt Marsh means a coastal wetland that extends landward up to the highest high tide line, that is, the highest spring tide of the year, and is characterized

by plants that are well adapted to or prefer living in, saline soils. Dominant plants within Salt Marshes typically include salt meadow cord grass (*Spartina patens*) and/or Salt Marsh cord grass (*Spartina alterniflora*), but may also include, without limitation, spike grass (*Distichlis spicata*), high-tide bush (*Iva frutescens*), black grass (*Juncus gerardii*), and common reedgrass (*Phragmites*). A Salt Marsh may contain tidal creeks, ditches and pools.

Along the southern portion of the property, a Salt Marsh spans the length shoreline of the property (approximately 110 SF). The existing pier extends across a 35-foot-wide portion of the Salt Marsh platform, perpendicular to the shore.

2.2.3 Land Under the Ocean

Per 310 CMR 10.25(2), Land Under the Ocean means land extending from the mean low water line seaward to the boundary of the municipality's jurisdiction and includes land under estuaries.

The proposed project covers approximately 5.93 SF of land below the tidal extent of Wychmere Harbor. Wychmere Harbor is a coastal embayment located in the Town of Harwich, within the village of Harwich Port. It is situated on the southern side of Cape Cod and connects to the Nantucket Sound. The existing licensed pier and floats extend nearly 84.5 feet seaward of MHW.

2.2.4 Land Subject to Coastal Storm Flowage (LSCSF)

Per 310 CMR 10.04, LSCSF means land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater.

The (FEMA) flood map (Panel No. 25001C0612J, effective July 16, 2014) was consulted to evaluate the presence of LSCSF. According to the FEMA Flood Insurance Rate Map (FIRM), the Project Site falls within Zones AE and VE. Zone AE is a flood hazard area subject to flooding and/or inundation by the 100-year storm with additional hazards associated with storm waves less than 3 feet, and Zone VE is a coastal flood hazard zone subject to wave action and fast-moving water during a base flood event. The Base Flood Elevation (BFE) in this region within Zone AE is 11 feet and within Zone VE is 14 feet. Therefore, the area of the Project Site consisting of the ramp, pier, gangway, and floating dock is regulated as LSCSF as it falls within the jurisdictional 100-year coastal flood zone. A GIS figure depicting FEMA flood zones is provided in Appendix A.

2.2.5 Buffer Zone

Per 310 CMR 10.04, Buffer Zone means that area of land extending 100 feet horizontally outward from the boundary of any area specified in 310 CMR 10.02(1)(a).

The 100' Buffer Zone within the Project Site extends landward from the top of the Coastal Bank.

2.2.6 50' No-Disturb Zone (Harwich Wetlands Protection Regulations only)

The Harwich Wetlands Protection Regulations define the No-Disturb Zone as all of the areas within 50 feet of any specific wetland resources protected under the Harwich

Wetland Protection Bylaw and Regulations and the Massachusetts Wetlands Protection Act. The 50' No-Disturb Zone extends landward from the top of Coastal Bank.

2.3 Rare Species

The Massachusetts Endangered Species Act (MESA) is implemented by the Natural Heritage and Endangered Species Program (NHESP) to protect areas determined to contain endangered, threatened or species of special concern. These areas are designated as "Priority Habitats of Rare Species" or "Estimated Habitats of Rare Wildlife" under the MESA Regulations 321 CMR 10.00 and are delineated state-wide in the Massachusetts Natural Heritage Atlas.

The NHESP Atlas, 15th edition, effective August 2021, and MassGIS online mapping data were consulted during the preparation of this NOI. According to these sources, and as shown on Figure 2 (Appendix A), no portion of the Site is mapped Estimated and Priority Habitat for state-listed rare species.

An existing osprey nest is currently located on the dock structure. Although not a state-listed species, osprey and their nests are protected under the Migratory Bird Treaty Act. At the time of this filing, the nest does not contain eggs or chicks. The Applicant proposes to replace the existing nest with an updated and more stable nesting platform to support continued osprey use. To minimize potential impacts to nesting osprey, no construction activities will occur between May and June to protect the nesting of the osprey.

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SECTION 3

Section 3

Alternatives Analysis

This section provides an review of the alternatives likely to restore sufficient water-dependent use and recreational access to the waterway along the shoreline of the property located at 69 and 0 Snow Inn Road, while minimizing adverse impacts to adjacent resource areas. The alternatives were developed and evaluated based on site-specific information for the potential strategies described below to ensure that the most appropriate options were recommended and to support the Applicant in the decision-making process. Within the context of achieving Project goals, criteria for assessing each alternative included, but were not limited to design life, potential impacts to adjacent resource areas, maintaining public use of the nearshore waters, likelihood of receiving favorable environmental regulatory review, and general construction/maintenance cost and frequency.

Based on the condition of the pier structure, it is anticipated that continued deterioration of the structure will result in concerns for safety and increased damage to the Coastal Bank and Salt Marsh areas. The Applicant is focused on developing a proactive approach to restoring access to Wychmere Harbor and preventing unnecessary impacts to wetland resources. With this in mind, the analysis of alternatives focuses on alternatives that not only address present concerns but also includes updating previous design specifications to improve the regulatory compliance of the structure to meet current standards. An evaluation of access strategies ranging from the "no-action" alternative to the repair, reconstruction, and relocation alternatives was performed based on the aforementioned screening criteria. The list of alternatives includes:

- No Action
- Repair-In-Kind
- Replace-In-Kind with Improvements
- Relocation

3.1 Description of Alternatives

3.1.1 No Action Alternative

The no action or do-nothing alternative assumes that the Applicant will not repair the decking, float, pier, or piles of the dock structure and allow further deterioration to occur. There are no immediate impacts associated with taking no action, but future impacts resulting from collapse and/or removal of the structure will likely have more detrimental effects to safety, resource areas, and nearby vegetation. Assessment of existing site conditions indicates that while the pier is still functional, continued loss of structural integrity will jeopardize the stability of the structure and subsequently increase the hazards associated with critical failure. Specifically, shifting of the structure due to inadequate support or isolated failure of load bearing components may result in personal harm, or damage to the Coastal Bank/Salt Marsh system. Furthermore, loss of the structure would likely result in small boats and kayaks being launched/landed on the beach instead of from the floating dock. Small boats often run aground prior to beaching during lower tides and the boat is then pulled ashore. These types of landings seldom follow a consistent path if no dedicated access point is apparent, creating widespread disturbances

along the associated shoreline. Future concerns about public safety and adverse impacts to environmental resource areas indicate that the no action alternative is not a viable option.

3.1.2 Repair-In-Kind

The repair-in-kind alternative includes only the repair and replacement of major deteriorated components of the decking, pier, and structural support members. At the time of the inspection most recent to this application, the timber ramp and pier along with their structural components were all identified as needing substantial structural repairs. These major repairs would be similar in size to a total replacement and only provide a short-term solution, since the other components of the aging pier will continue to deteriorate over time. This alternative was not recommended as it would expose the surrounding resource areas to long-term temporary impacts as a result of frequent repair activities. Additionally, this alternative would require a higher cumulative cost and greater disruption to abutting homeowners.

3.1.3 Replace-In-Kind with Improvements (Preferred Alternative)

This alternative includes reconstructing and installing a timber ramp, pier, floating dock, and vertical supports within the existing footprint and maintaining the previously permitted dimensions. Additionally, closely maintaining the existing spacing and dimensions of the vertical supports will limit new impacts to areas already disrupted by the existing structure. Reconstruction and improvement of the seasonal portion of the pier provides a proactive solution by offering long-term stability without altering the environmental processes below and around the dock structure.

This option will also include several improvements to the pier that will have beneficial impacts to resource areas. The proposed dock structure will have an increased deck elevation of E.L. +7.0. Additionally, the proposed pier will increase the deck height above the Salt Marsh to a minimum of 6'. This increase will improve light penetration and promote the overall health of the Salt Marsh in the area.

Overall, in-kind-replacement of the structure provides the longest service life while minimizing temporary and permanent impacts to wetland resource areas. Additionally, this alternative will involve more extensive initial construction but is anticipated to require the lowest frequency of maintenance and minimal annual impacts associated with installation and removal. The improved reconstruction of the timber ramp, pier, and float in conjunction with the established boating and riparian access will have positive impacts upon the near shore area of the property. The continued function of the dock structure will relieve the burden of use along the beach and marsh caused by inadequate access to the water.

3.1.4 Relocation

This alternative would entail the removal of the entire structure and replacing it approximately 60 feet westward to a narrower area of Salt Marsh. The width of Salt Marsh within the footprint of the pier would be reduced from 35 feet to approximately 31 feet (12% reduction in Salt Marsh area). This alternative would result in disruption to coastal resource areas from both the removal and replacement of the pier increasing total impact areas. This alternative would also require piles to be driven in undisturbed coastal resource areas as opposed to where existing work has already been completed. The reduction of Salt Marsh impacts is not justifiable with respect to the increased total alteration of the

Coastal Bank and Beach. As such, this alternative is not the most viable solution and was not considered further.

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SECTION 4

Section 4

Project Description (Preferred Alternative)

The proposed preferred alternative is a full reconstruction and installation of the pier, ramp, supports, gangway, and float. The Project includes rebuilding the structure to existing design specifications within the existing footprint.

4.1 Proposed Activities

4.1.1 Fixed Ramp and Pier

The proposed activities include installing a 108'-10" long by 4-foot-wide timber ramp and pier which extends 80 feet beyond MHW and that is supported with 12" diameter piles. For the ramp and pier, the timber piles will be driven 15' below the mudline and will be cut 6' above the deck. The piles will be spaced at 12' on center for the ramp and at 11'-5" on center for the pier. Piles will have 3 x 8 timber cross bracing for structural rigidity and will connect to the timber piles. The 3 x 8 timber stringers will be supported by 3 x 8 split pile caps. The decking will consist of 2 x 6 timber boards spaced at 3/4". The timber ramp and pier will be constructed so that there will be a minimum of 6' of clearance from the deck to the ground level over the Salt Marsh. Timber railings are proposed on the upper portion of the ramp and at the gangway. All proposed work is to be completed in the dry, except for installation of the timber piles. Removal of existing piles shall be limited to direct pull to minimize disruption to the Salt Marsh and adjacent substrate. Cross sections depicting the proposed timber ramp and pier are provided on the Drawings in Appendix B.

It is expected that heavy equipment will be utilized to install the piles and to lift the piles into position. All equipment will be barge-mounted, so that there will be no direct impact on the beach or mudline. However, it may be possible that a crane barge will have issues reaching the most landward piles. In this scenario, the contractor would install those piles with a crane located behind the top of Coastal Bank. Access to those locations would be through the driveway and into the backyard of the property. This potential scenario is shown on the Staging and Temporary Controls Plan (Sheet G-004) provided in Appendix B. All other construction is not expected to require heavy equipment. The installation of the decking will be initiated at the landward extent of the pier at the base of the timber ramp and then shall be installed seaward. Seaward areas of the Salt Marsh will be raked for shellfish prior to installation of the piles to reduce any impact on the shellfish population within the Project Area.

4.1.2 Mooring Piles

Two existing mooring piles used to secure vessels to the end of the pier will be replaced with new 12-inch mooring piles. Installation of the piles will occur in the same manner as the other seaward piles of the timber pier.

4.1.3 Seasonal Float Dock

The seasonal floating dock will be approximately 16-feet-long by 11-feet-6-inches-wide, and the seasonal aluminum gangway will be 14-feet-long by 3-feet-wide. The float will be held in place by two new permanently installed 12-inch diameter timber mooring piles. The seasonal floating dock and aluminum gangway shall be removed from November to

April and reinstalled from May to October. After removal, all seasonal components will be stored in an upland location beyond the extent of the 50 foot-buffer.

4.1.4 Native Plantings

Areas disturbed by the limited vegetation management (including the area below the proposed dock) will be reseeded with native coastal grass seed mix. The temporary staging area will be reseeded with a turf grass seed mix where necessary.

4.2 Anticipated Construction Sequence

The anticipated sequence of construction for the Project is generally outlined below. The actual sequence of construction is subject to the discretion of the selected contractor.

Construction will occur during the winter season to minimize interference with seasonal boat traffic and to align with the period when moored boats are removed from Wychmere Harbor. Truck deliveries and site work will be performed within hours limited by the Town, or as further defined by Project specifications. Performing site work within hours specified by the Town work hour requirements will help mitigate construction-related noise impacts on neighbors. While the Project extends along a private shoreline, the contractor will be encouraged to limit temporary construction-phase access and work within coastal resource areas/active shoreline to the greatest extent feasible and to avoid restricting access to public resources.

The contractor will be required to maintain appropriate siltation controls while driving or removing piles.

Construction sequencing for each phase is anticipated to occur as follows:

- Notify pertinent regulatory agencies and abutters of the construction schedule
- Install sedimentation and erosion controls / protective measures at work site perimeter
- Schedule and conduct site walks with pertinent regulatory agencies to inspect construction-phase BMPs
- Site mobilization and material staging
- Site preparation and removal of existing structures on and over wetland resource areas (i.e., pier, ramp, floats, and support piles)
- Installation of all timber piles including mooring piles and structural components from crane barge
- Installation of decking and posts starting from the landward side of the timber ramp
- Installation of the floating dock structure framing and decking, floating docks, and gangway
- Perform final restoration and mitigation of temporary impact areas
- With Conservation Commission authorization, remove sedimentation and erosion controls / protective measures at work site perimeter and entrance/exit locations and properly dispose off-site

- Demobilize and perform final site cleanup

4.3 Construction Methodology and Best Management Practices

The following Best Management Practices (BMPs) will be implemented during construction to minimize the potential for impacts to jurisdictional resource areas. The Town and contractor will reserve the right to require supplemental and/or alternative construction BMPs during work depending on site and weather conditions. As noted below, in some instances specific construction means and methods will be determined by the contractor. However, the contractor will be restricted to the limit of work depicted on the Project Drawings.

Resource areas will be protected during the Project. Where feasible, fabrication of dock components and other work activities will be completed from the landward side of the Coastal Bank to minimize disturbance to wetland resource areas. Installation of piles and support posts, as well as framing of the structure will be conducted in the dry whenever possible and all construction activities will be limited to the LOW depicted on the Project Drawings (Appendix B). During this work, appropriate resource area protection BMPs will be used to minimize the potential for erosion and sedimentation. These BMPs are described below.

4.3.1 Erosion and Sedimentation Controls

The contractor will be required to maintain appropriate siltation controls at the down gradient side of all pile installation and construction activities.

Additional control measures to be used during the Project include the use of silt fence turbidity curtain, and construction management techniques such as limiting disturbance. Supplemental and/or alternative construction BMPs may be required during work, depending on site and weather conditions. The use of a debris boom during demolition of portions of the pier to be replaced with a use of a small boat to aid in timber recovery, and use of a turbidity curtain during pile driving activities in order to minimize adverse effects on marine fisheries habitat or wildlife habitat. To minimize the potential for these BMP controls themselves to contribute to marine litter, they will be maintained beyond the landward extent of modest wave and tidal action. In the event that severe tides and/or weather is forecasted during construction, all BMP controls will be removed and staged inland.

Erosion and sedimentation control measures will be installed between proposed areas of disturbance and resource areas as shown on Project plans and as deemed necessary. Use of non-biodegradable mesh materials will be avoided.

Supplemental and/or alternative construction BMPs may be required during work, depending on site and weather conditions. The contractor will be responsible for complying with permits issued for the Project In addition:

- The contractor will be required to maintain a reserve supply of erosion and sedimentation control barriers on-site to make repairs, as necessary
- Protective measures will be inspected after significant precipitation events. Maintenance and repairs will be conducted, as necessary

At the conclusion of the Project, the erosion control barriers will be removed and properly disposed of off-site following the stabilization of disturbed areas and Conservation Commission authorization.

4.3.2 Spill Prevention and Control

The contractor will be required to conduct the work in an environmentally safe manner and in accordance with applicable regulations for the management of fuels, waste oils, and hazardous substances.

4.4 Site Access and Staging

All site access and staging will be from the water and require no upland staging areas or disturbances. However, if the contractor does not have a crane barge long enough to install the landward most piles safely, they would access those locations through the driveway and into the backyard of the property as the upland staging area. Please refer to the Staging & Site Access Plan (Sheet G-004) in Appendix B. If upland access is required, no vegetation will be removed, and proper erosion and sediment controls will be installed. Whenever feasible, all work will be done in the dry, however, water work will be required for the removal and installation of piles. All in-water work will be performed from a barge during higher tides to minimize disturbance to the seabed, with the barge moored on-site for the duration of work. The new float and gangway will be constructed off-site and transported to the Project area by floating them in with a small vessel or transporting them on a barge, where they will be lowered into place by crane.

4.5 Site Stabilization and Restoration

The areas of construction will remain in stable condition at the close of each construction day via the use of appropriate erosion and sedimentation control measures. Erosion control measures will be inspected at the close of each construction day and maintained or reinforced as necessary. All erosion and sedimentation control measures will be inspected, cleaned, or replaced during construction and will remain in place until permanent stabilization is achieved. Temporary construction access and staging areas will be restored to existing conditions following construction.

Existing surface treatments will be restored to proposed grades and elevations upon completion of work. These proposed conditions are depicted on the Project Drawings provided in Appendix B.

The proposed construction schedule will be finalized after Project permitting and bidding. The following general considerations will apply to the schedule.

- Work will be scheduled during non-summer months to minimize recreational use impacts in the area
- Restoration activities will occur during recommended planting and growing seasons
- Work will be conducted in accordance with osprey TOY restrictions

Re: Request for Permission to Set Up Weigh-In Station on the Town Pier for Big Three Fishing Tournament

From Ryan Our <ryanhpby@gmail.com>

Date Wed 4/9/2025 11:10 AM

To John Harker <john.harker@harwich-ma.gov>

Hi John,

Thanks for reaching out, I hope your on boarding has been going well, looking forward to meeting and working with you.

To answer your question, we typically have 30 boats that participate in the tournament, and of those boats I would estimate no more than 12 choosing to participate in fishing for tuna. The rest fishing for trippers and blues. The tournament falls pretty early in the Tuna season, so there's a slight chance of a few tuna being caught. But that rests entirely on if the fish are evening biting.

Please let me know if you have any other questions, or need any additional information. Also when do you think you may be presenting our request to the Waterways committee?

Ryan Our

On Mon, Apr 7, 2025 at 3:22 PM John Harker <john.harker@harwich-ma.gov> wrote:

Hi Ryan,

Apologies for the delay on this response, I started last week as the new Harbormaster and have been catching up on requests such as this ever since.

I agree this would greatly benefit the tournament. Would you have an estimate as to how many participants you usually have and a projection as to how many you would anticipate under these circumstances this year? These may be questions I am asked by the Waterways Committee when I propose approval on this matter.

Thank you and feel free to stop by the office at any time for further discussion and introductions.

Best,

John

John Harker
Town of Harwich, Harbormaster
Office: (508) 430-7532

From: Ryan Our <ryanhpby@gmail.com>

Sent: Monday, March 10, 2025 9:52 AM

To: Michelle Morris <mmorris@harwich-ma.gov>

Subject: Request for Permission to Set Up Weigh-In Station on the Town Pier for Big Three Fishing Tournament

Dear Michelle,

I hope this message finds you well. I am writing to kindly request permission to set up a weigh-in station at the Town Pier on Wychmere Harbor for the Big Three Fishing Tournament scheduled for July 10, 2025. This event benefits Big Brothers Big Sisters of Cape Cod and the Islands, an organization that is very important to both my father and me, as we both proudly serve on its board. This tournament is a key fundraising event in support of Big Brothers Big Sisters, enabling them to continue their invaluable work with the youth of Cape Cod and the Islands.

In addition to the weigh-in station at our fuel dock, we would like to utilize the Town Pier as a location for participants to weigh in their catches. Given that the tournament falls on a Tuna Kill day, we feel it would be beneficial for our participants to take part in both the tournament and the tuna day, maximizing their experience. Also, it could entice some new participants who would normally focus on fishing Tuna.

Please be assured that the use of the Town Pier for the weigh-in would be organized and managed by the Boat Yard, conducted in an orderly and professional manner, ensuring minimal disruption to the pier's regular activities.

We would greatly appreciate your consideration of this request, as the additional weigh-in location would help streamline the event and provide more convenient options for our participants.

Please let me know if you need any further details or if there is any additional information required to proceed with this request. I look forward to your response and hope for a positive outcome.

Thank you very much for your time and support.

Best regards,

Ryan Our

Vice President

Harwich Port Boat Yard

508-432-1322

Ryan@harwichportboatyard.com

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Ryan Our

Harwich Port Boat Yard

508-432-1322

Ryan@harwichportboatyard.com

Big Three Fishing Tournament Request

From John Harker <john.harker@harwich-ma.gov>

Date Fri 4/18/2025 9:29 AM

To danielcpu@comcast.net <danielcpu@comcast.net>

Cc William Neiser <wneiser@harwich-ma.gov>; John Harker <john.harker@harwich-ma.gov>

 1 attachment (65 KB)

Request for Permission to Set Up Weigh-In Station on the Town Pier for Big Three Fishing Tournament;

Good Morning Dan,

Wanted to circle back on the discussion regarding the T-Permits and John Our.

As noted in the committee meeting, I had a separate phone conversation with Ryan Our in which we discussed the use of the town pier in Wychmere for weighing and measuring. We did not in that conversation, nor in e-mail correspondence as attached, discuss any waiver for the T-Permit requirements of landing at town facilities so that is why I was surprised by Johns request.

Per the Harbor Management Plan under SPORTFISHING BOATS: TUNA BUYER PERMITS AND REGULATIONS (T-PERMITS) a sticker is required for any boat landing tuna whether within both authorized locations:

17.1 The Town shall annually assess a per boat offloading fee for all tuna being landed/tagged by fishing boats prior to being brought onto shore by way of the ramp and/or offloading areas at Saquatucket Harbor or Wychmere Town Pier between June 1st and November 31st . A sticker shall be issued and must be permanently mounted on the boat where it can be seen by the buyer and officials at the bulkhead when landing the fish. The 'T-Permit' shall also apply to boats landing tuna using the boat ramp. National Marine Fisheries Service regulations require buyers tag all fish before clearing the bulkhead or boat ramp. All commercial boats with Harwich A, C or E offload permits only shall offload tuna caught at Wychmere Town Pier. A limit of 100 "T" permits shall be sold

Furthermore in latter section under T-Permit regulations:

17.5 Tuna buyers will still pay an offloading permit fee (and a fee for each additional truck). Buyers may only take fish from boats displaying the appropriate sticker. An updated certified list containing the boat names and owners (captains) will be given and faxed to each eligible buyer. Buyers taking fish off of unauthorized boats will lose their offloading privileges for the season.

The committee voted to have a fee/ donation provided to the town to cover all landing permits for any event participants looking to land a tuna which I see would be in violation of Harbor Management Plan Section 17 and need select board amendment if to proceed forward. What I do suggest is that I would allow event participants to land harvested Tuna on the 10th of July, waiving the requirement that only commercial vessel boat with Harwich A,C, and E permits are to land at Wychmere. The T-Permit

requirement will remain though but we will not require vessels to purchase the permit unless they have a fish onboard and intend to land in either Saquatucket or Wychmere. This can be facilitated at the dock when they land their fish. While this is a cost (\$120 per T-Permit) to the vessel owner, and a heard concern from John Our, it would be a fraction of the profit they will be making by landing and selling the product to an authorized buyer.

Open for more discussion and communication back to John.

Best,

John

John Harker
Town of Harwich, Harbormaster
Office: (508) 430-7532