



TOWN OF HARWICH

732 Main Street

Harwich, MA 02645

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

HARWICH CONSERVATION COMMISSION - MEETING MINUTES

TOWN HALL – GRIFFIN ROOM

Wednesday, July 16, 2025 – 6:00 PM

RECEIVED
TOWN CLERK
HARWICH, MA

2025 AUG -7 A 9:43

Commissioners and Staff Present

Chairman John Ketchum, Viv Mulhall-Maguire, Sophia Pilling, Wayne Coulson, Conservation Administrator Amy Usowski.

Commissioners and Staff Absent in in Mark Coleman

Call to Order

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

Louis Lanzillo, 15 Trinity Cove, Map 1 Parcel E1-3. Construction of a Quahog shell/gravel driveway. bluestone walkway, new landscape plantings, repair of existing irrigation system and excavation of existing lawn footprint. *Continued from July 2, 2025.*

Mr. Sean O'Leary, Owner of O'Leary Landscaping, was present to discuss the project. He stated that the landscape design plans have been changed accordingly and spoke about the changes.

Ms. Usowski stated that Mr. O'Leary incorporated some of her suggestions. She stated the plantings should be fine and are appropriate for the area. She recommended approval with a negative 2 and 3 determination.

Ms. Pilling asked about some of the plantings. Mr. O'Leary answered he put in some of the plantings for added color.

No further discussion from the Commission. No public comment.

MOTION

Mr. Coulson moved to approve the Request for Determination of Applicability (RDA) with a negative 2 and 3 and determination.

Ms. Mulhall-Maguire seconded.

Vote: 4-0

Motion carried; RDA approved.

The following applicants have filed a Notice of Intent

James & Jarmila Sullivan, 31 Mill Rd & 6 Brora Dr, Map 15, Parcels U3 & U2-2. Reconstruction of existing joint use dock and maintenance dredging. *Continued from July 2, 2025.*

Mr. Mark Burgess, Shorefront Consulting, was present to discuss the project. He stated that the project was continued because DMF requested an extension to give them time to provide comments.

Mr. Burgess spoke about the focus of the revised dredging plan that was done per the Commission's request. He was asked to revise the dredging plan in order that the seaward floats have some clearance under them. He noted that under the small dock and pier guidelines only 18 inches of clearance is required under a float unless it's considered significant shellfish habitat. He stated however, that "significant" isn't defined.

Mr. Burgess stated that it is maintenance dredging, not new dredging, and is entirely within previously approved dredge footprints and is an improvement over the previous permits and allows proper clearance under the floats.

A discussion was had about the DMF comments regarding shellfish and the dredging plan. Mr. Burgess stated that essentially DMF is not in favor of inter-tidal dredging. Mr. Burgess asked the Commission to remember that DMF is not a regulatory agency, they make comments and suggestions.

Ms. Usowski stated that it is a difficult situation because they have an existing dredge license for the area and because the owners haven't done it in a long while, it has not been maintained. She stated she hesitates to call it maintenance dredging and that she is more concerned about protecting the salt marsh than intertidal dredging becoming subtidal dredging, and that it doesn't slump. She stated the shellfish survey didn't show much, but the sediment quality in the area is not ideal for a long-term shellfish population.

Ms. Usowski asked if they might install an overwash bulkhead or sill to be able to dredge within 25' of the salt marsh, with no risk of slumping. She explained that she has seen other projects that have been dredged closer than 25' to the salt marsh and it has been fine. Mr. Burgess answered that if the Commission is amenable, it could be done, but it would be very expensive.

There was a discussion about the implications, costs and reasons for installing an overwash bulkhead. Ms. Mulhall-Maguire expressed that it would make sense to install because it is a protective measure. Mr. Burgess stated that he will speak to the homeowners about this. Ms. Usowski stated that if there were an overwash bulkhead they could potentially dredge deeper, which would mean a longer period of time before they would need to dredge again. Ms. Usowski said that if the homeowners decline to install the overwash bulkhead, they should go with the first discussed option.

Mr. Coulson agreed that it is a good idea.

Chairman Ketchum stated that he would like to see an overwash bulkhead. He stated that given the comments from the DMF, he does not wish to vote on it yet.

Mr. Burgess stated he is not looking for a vote tonight and requests continuation. He confirmed that the plans need to be corrected to show where dredging will not occur under the floats.

The Commission agreed that they will discuss the two options after Mr. Burgess has discussed them with the homeowners.

Mr. Ketchum asked how the homeowners will use the floats and Mr. Burgess explained how they will be used.

Ms. Usowski said that the revised plan is needed by July 30 in time for the August 6 meeting.

No further discussion from the Commission. No public comment.

MOTION

Mr. Ketchum moved to approve a continuance to the August 6, 2025 meeting.

Ms. Pilling seconded.

Vote: 4-0

Motion carried; Continuance to the August 6, 2025 meeting approved.

Lauren McCabe, 11 Nons Rd, Map 6, Parcel C1-10. Reconstruction of an existing dock. *Continued from July 2, 2025.*

Ms. Usowski stated she met with the homeowners, and they are meeting with the Harbormaster/Natural Resources Director to discuss a better solution for the project that will meet the Commission's regulations. The homeowners request a continuance to the August 6, 2025 meeting.

No discussion from the Commission. No public comment.

MOTION

Mr. Ketchum moved to approve a continuance to the August 6, 2025 meeting.

Ms. Mulhall-Maguire seconded.

Vote: 4-0

Motion carried; Continuance to the August 6, 2025 meeting approved.

Silver Shores Cape Cod, LLC, 0 Snow Inn Road & 69 Snow Inn Road, Map 15, Parcels P3-A and P3-1. Dock Restoration. *Continued from July 2, 2025.*

Daniel Ciaramicoli, Project Manager at Tighe and Bond, was present online to speak about the project. He stated that the DEP number and the comments from DMF have been received.

Ms. Usowski read through the DMF recommendations comments for conditions. She stated that provided the applicants are in agreement that those are in the order of conditions, she recommended approval.

Mr. Ciaramicoli asked that they not be required to do the float stops. He stated that if they're going to be required, they would need to install additional piles beyond what's on the plan. He stated that the intent is to dredge in the future, and getting the dock permitted and rebuilt is more of a priority given its current condition. He noted that they would be installing the piles just to pull them back out in the future.

Ms. Usowski asked what the timeline is for the dredging and why it wasn't included in the initial application.

Mr. Ciaramicoli stated that it would be within the next year. He stated that it wasn't in this application due to time constraints. Ms. Usowski asked if they would be amenable to conditioning that should the dredging not be completed within 3 years, they would be required to do a float stop and do the additional piles. Mr. Ciaramicoli said they would be amenable to that. Ms. Usowski said she recommends approval of the project.

Chairman Ketchum asked about the depth on the shoreward side. Mr. Ciaramicoli explained the depth measurements. Mr. Ketchum stated that a condition be added that there shall be no docking of boats on the landward side of the float until and unless the dredging is completed.

MOTION

Ms. Mulhall-Maguire moved to approve the Notice of Intent with the conditions noted by DMF and the two added conditions noted by the Conservation Commission.

Ms. Pilling seconded.

Vote: 4-0

Motion carried; NOI approved with the noted conditions.

The Herbert R. Rasnick 2012 Revocable Trust, 8 Cranberry Way, Map 16, Parcel W4-9, Building Addition and Septic.

Mr. David Clark, Clark Engineering, was present to discuss the project.

Mr. Clark spoke about the salt march, the floodplain, the coastal resource area, the work to be done within the 50' setback and within the 50' to 100' setbacks, and the proposal specifics of the interior of the addition and the existing home. He stated that the primary goal of the project is to build an ADU. The secondary goal is to provide access for somebody in declining health. He stated that because of the location of the property and the constraints as part of the upgrade of the septic system, they are including IA technology.

Mr. Clark spoke about the driveway that was not included in the NOI plans. He stated that the driveway would be removed, and native vegetation planted to restore it to its natural condition.

Mr. Clark stated they need to go to the Board of Health for variances and noted that the new septic system will be outside the 50' setback and still meet the title five requirements as far as setback to abutters. They also still need to go before the Zoning Board of Appeals and asked to continue this hearing until they get final Zoning Board approval.

Ms. Usowski stated she doesn't view the coastal bank as significant as it is not providing any downdrift sediment to any coastal beaches because it is pretty much at the flood zone line. She stated that though they are proposing new work in the 0' to 50' foot buffer to the bank, she doesn't view it as having any adverse impact to the stability of the bank. She stated that half of the existing vegetation is native plantings and half invasives. She asked that when replanting, they take care to leave the native plantings and if the driveway is to be redone, she would like the privet hedge removed. She stated that with the nitrogen reduction component of the IA system, they have done as much as they can with mitigation and she asked that the Commission relax the requirement that the applicant needs to hit the 2,157 square feet of mitigation.

Ms. Usowski recommended that in issuing the permit, fertilizers, herbicides, and pesticides be prohibited.

Ms. Usowski recommended a continuance of this hearing.

Ms. Pilling stated that there seem to be patches of lawn to be added at the back corner of the ADU with a grass blend of fescue and micro clover. Mr. Clark confirmed that the area being discussed is the area between the gravel strip and the mitigation area. Ms. Pilling wondered if any of the mitigation could be losing a little bit. She asked if there is potential for the bed to become more of a woodland bed rather than a lawn area.

Chairman Ketchum voiced concern about part of the driveway on the north side seeming to encroach on the neighboring lot. Mr. Clark stated that the driveway in question is on the neighbor's lot and is not being changed. Mr. Ketchum stated that the issue with part of the existing driveway being on the neighbor's lot does not fall under the purview of the Conservation Commission.

Chairman Ketchum commented on the existing south side lawn which seems to have been treated. He stated that the area is labeled existing vegetation, however he recollects that there are a lot of ornamentals and suggested that there might be more appropriate natives to plant in that area. He stated that in the conditions it should state that no

fertilizers or pesticides should be used on the property. Mr. Clark stated that he will let the homeowners know that this stipulation will be considered as part of the conditions.

No further discussion from the Commission. No public comment.

MOTION

Mr. Ketchum moved to approve a continuance to the September 3, 2025 meeting.

Ms. Mulhall-Maguire seconded.

Vote: 4-0

Motion carried; Continuance to the September 3, 2025 meeting approved.

Order of Conditions

Jeffrey Lang, 11 River Bend Rd, Map 1, Parcel G1-9. House demolition and rebuilding, septic system installation, bulkhead repairs and replacement, and mitigation plantings.

Ms. Usowski read through orders of conditions.

Mr. Coulson asked for the definition of native stone and what is currently on the roadway. Ms. Usowski stated that native stone is stone that is native to the area. She stated that she will amend the conditions to clarify that native stone be used as opposed to gravel.

Chairman Ketchum asked for public comment.

Ms. Noreen Cahalan commented that since there is a proposed scallop farm that a condition should be implemented that no storage of commercial equipment or vehicles be allowed. Ms. Usowski said that could be included in the conditions.

No further discussion from the Commission. No further public comment.

MOTION

Mr. Coulson moved to approve the Order of Conditions with the noted amendments.

Ms. Pilling seconded.

Vote: 4-0

Motion carried; Order of Conditions approved with the noted amendments.

Jonathan Vaughan and Sharon Lee Hayes, 2026 Route 28 Head of the Bay Road, Map 99, Parcel V1-0. Invasive Plant Management and Restoration Project.

Ms. Usowski stated that slight changes to the orders of conditions were made and spoke about those changes.

No discussion from the Commission. No public comment.

MOTION

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

Mr. Coulson seconded.

Vote: 4-0

Motion carried; Order of Conditions approved.

Discussion and Possible Vote

Support of the Town's draft revision to the Open Space and Recreation Plan

Ms. Usowski stated that she incorporated the comments made. She stated that the most substantive item is the addition of a paragraph highlighting the importance of continuing with open space protection and management of that open space.

Ms. Pilling stated she supports the plan. She spoke about the planting of shade trees in the plan, noting that there are many great native options. She stated that the document published in 1972 listing native trees should be updated. She also noted that "gypsy moth" should be changed to say spongy moth in the plan. Ms. Pilling also commented that the plan needs to address and consider the surrounding landscape and the function of and proximity to sensitive resource areas when new developments, neighborhoods, and dwelling units are proposed. She asked that the impact of landscaping be taken into consideration.

Ms. Mulhall-Maguire stated she suggested to Ms. Usowski about clarification of a map in the plan.

Chairman Ketchum stated that that the goals table in the plan is very helpful.

Ms. Mulhall-Maguire asked who is responsible for the grant writing. Ms. Usowski noted that there is not one specific designated grant writer, each department is responsible for grants that concern their department. She stated that the Harwich Conservation Trust has been responsible for many of the state land grants. She stated that there is a lot of money to be had for many various projects.

No further discussion from the Commission. No public comment.

MOTION

Mr. Ketchum moved to approve to support the revision of the town's open space and recreation plan with the comments provided.

Ms. Pilling seconded.

Vote: 4-0

Motion carried; Support approved for the revision of the town's open space and recreation plan with the comments provided.

ANY OTHER BUSINESS WHICH MAY COME BEFORE THE COMMISSION

Ms. Pilling asked if the Commission could use a different word for "ornamental" plants when suggesting plantings for projects. Ms. Usowski stated they could instead use "non-native" plantings.

Mr. Coulson asked about issues with the bridge reconstruction. Ms. Usowski stated that with the recent rain and the fact that there is a larger amount of hardscape, the basins are not able to keep up. Mr. Coulson stated he is surprised the state engineers didn't take into consideration what was going to happen. Ms. Usowski stated she is waiting to hear from the DPW director on this. She stated that along with Natural Resources, the DPW and Mass DOT, they are trying to work it out. She stated that MASS Dot is trying to give it to the Town, but the Town will not take it over until MASSDOT has finished the project.

Ms. Usowski stated that Buck's Pond still has an algae bloom, particularly on the west side, and the West Reservoir is still under an advisory. She stated she needs to talk with APCC because their sampling shows no bacteria at the West Reservoir and her sampling shows that there is bacteria.

MOTION

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

Ms. Mulhall-Maguire seconded.

Vote: 4-0

Motion carried; Meeting adjourned.

Public in Attendance

Sean O'Leary

Mark Burgess

Noreen Cahalan

Mary Lou Cahalan

David Clark

Bill Loretta

Sandra Wycoff

Jeffrey Lang

Minutes submitted by Lisa Shaw, Executive Assistant

