TOWN OF HARWICH
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HARWICH CONSERVATION COMMISSION - MEETING MINUTES
TOWN HALL – GRIFFIN ROOM
Wednesday, August 6, 2025 – 6:00 PM

Commissioners and Staff Present
Chairman John Ketchum, Mark Coleman, Viv Mulhall-Maguire, Sophia Pilling, Wayne Coulson, Conservation Administrator Amy Usowski.

Commissioners and Staff Absent None

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

Update on the Local Comprehensive Plan

Ms. Barbara Nickerson from the Local Comprehensive Committee was present to update the Commission on the Local Comprehensive Plan (LCP). She stated that they are now within the 60-day window for receiving comments.

Ms. Nickerson spoke about the background history of the plan, the benefits, and how the plan supports the Town. She stated that the plan provides support for local by-law changes at Town Meeting. The styling of the document is based on what the Cape Cod Commission requires, and the consistency of the plan is required for proposed developments of regional impact which is reviewed by the Cape Cod Commission. The plan gives the Town priority consideration for commission planning, technical assistance, and the ability to enter into development agreements with others as well as assessing impact fees. She spoke about how the Committee requests public feedback and the subject matter of the feedback. She noted that the plan has been updated every 10 years.

Ms. Nickerson read through the LCP's vision for the community. She noted that some key challenges identified over the last three years have been housing affordability, lack of available land for construction of affordable and attainable housing, limited sewer infrastructure, maintaining Harwich's village identity and character, climate impacts of property and resources, and managing growth and resource protection.

Ms. Nickerson spoke about some of the priorities they recommend under the various and numerous action plans.

Ms. Usowski thanked Ms. Nickerson and the LCP Committee for their hard work. Ms. Usowski stated she is in the process of reviewing the plan and will provide commentary regarding the Commission's accomplishments of the past 15 years. She stated that the Commission has already started to do some of the things noted in the LCP document.

Ms. Usowski stated that this will be placed on the Commission's September 3, 2025 meeting for Commissioner's comments to be received.

Ms. Mulhall-Maguire thanked the Committee for their hard work.

Chairman Ketchum asked about the action titled as "complete pond profiles" under the subject of Natural Systems. Ms. Nickerson and Ms. Usowski stated that this action item entails having a complete profile inventory of all Harwich ponds to keep watch over the health of the ponds and going forward with issues of concern. Ms. Usowski stated that Stephanie Sykes, Natural Resources Director is heading that action in collaboration with other town entities, such as the Harwich Pond's Association.

No further discussion from the Commission. No public comment.

The following applicants have filed a Notice of Intent

Harwich Conservation Trust, 70 Lothrop Ave, Map 20, Parcel A2. Cottage Demolition.

Mr. Coulson recused himself from this hearing and left the room.

Mr. Michael Lach, Harwich Conservation Trust-Executive Director, Ms. Kelly Grant, Harwich Conservation Trust -Land Protection Specialist, and Tom Evans, Harwich Conservation Trust Board of Trustees -President, were present to discuss the project.

Mr. Lach stated that the focus of the project is to remove the existing cottage and outbuildings to re-naturalize the site. The project is a two-phase ecological effort, the first phase beginning this fall entails the demolition/removal of the cottage. The second phase, part of a separate notice of intent application to be submitted, will entail the removal of the causeway.

Mr. Lach and Ms. Grant updated the Commission on the property location, the specifics of the cottage, the demolition and disposal plan, and the landscaping and planting plans. They will try to protect any areas from disturbance, avoid impacts to the surrounding vegetation, and any areas not immediately restored with plantings will be left protected with erosion control measures. All demolition material will be disposed of at an approved off-site location by the contractor. The site will be monitored on an ongoing basis by HCT staff to make sure any disturbed areas are adequately restored. While they are proposing work within 100 ft of the salt marsh, the work will occur greater than 50 feet from the salt marsh. and with erosion control and restoration, they expect to improve the quality of the 100-foot buffer with no adverse effect on the surrounding salt marsh.

Ms. Usowski stated that they will completely naturalize the island. The cesspool will be physically removed and not just filled, something the Commission typically looks for. She stated that it makes sense to seed in the fall, and then in the spring see what is still needed. She confirmed that the island is still temporarily accessible by foot. They will remove the causeway and restore the salt marsh. Ms. Usowski stated that the DEP number has been received and recommended approval of the project.

Mr. Coleman stated that it is a remarkable piece of property. He stated that as important as it is to have the restoration take place, he is a little sad to see it go because it's such a unique parcel.

Ms. Pilling asked who the owner of the rest of the property is. Mr. Lach answered that the owners are unknown.

Chairman Ketchum asked for public comment.

No further discussion from the Commission. No public comment.

MOTION
Ms. Pilling moved to approve the Notice of Intent.
Mr. Coleman seconded.
Vote: 5-0
Motion carried; Notice of Intent approved.

Mr. Coulson reentered the room.

Kyle L. and Patricia Marles Lissack, 10 Harwich Pines, Map 103, Parcel S1A-11. Dock Reconstruction

Mr. John O'Reilly, Civil Engineer/Land Surveyor- J.M. O'Reilly & Associates, Inc., representing the homeowners, was present to discuss the project.

Mr. O'Reilly stated that this hearing is for the second phase of the shorefront improvement work on this property. He explained that when the homeowners purchased the property there was an unauthorized dock on it and are now looking to re-permit for a seasonal dock.

Mr. O'Reilly spoke about the site where the dock is to be located. He stated that he is waiting on information from Natural Heritage.

Ms. Usowski stated that the hearing will most likely be continued to the September 3, 2025 meeting. She stated that pending any conditions that Natural Heritage may have, the dock meets the Commission's standards for docks on freshwater ponds.

Ms. Usowski stated that regarding the 4x4 posts resting on the ground, she recommended that when the project is permitted, a condition be added that they are permitted to put on big feet should they want to. She recommended continuance to September 3, 2025.

Chairman Ketchum asked about the landing. Mr. O'Reilly stated the landing in the plan should be corrected to say deck.

No further discussion from the Commission. No public comment.

MOTION
Ms. Coleman moved to continue the hearing to September 3, 2025.
Ms. Pilling seconded.
Vote: 5-0
Motion carried; Hearing approved to be continued to September 3, 2025.

Roland and Melanie Gagnier, 7 Old Wharf Road, Map 16, Parcel X4. Swimming pool construction.

Mr. David Clark, David Clark, Clark Engineering was present to discuss the swimming pool construction project and the mitigation planting plan.

Mr. Clark explained that the only resource area is a flood plain. He stated that they tried to get the pool out of the flood plain but were up against a setback requirement to the septic system leech field. To mitigate the increase of coverage within the flood plain, they are removing some driveway. He stated that the planting plan developed by Phil Cheney includes several shrubs and one native maple tree. Mr. Clark stated that they are benefiting the site by restoring a portion of the property with native plantings.

Ms. Usowski stated that when reviewing flood plan projects, the Commission wants to make sure that whatever is proposed on a property is not going to adversely impact other properties in the event of a flood. She stated that she doesn't foresee this project having any adverse impact in the event of a storm. She suggested that the Commission does not have standard plantings for a flood plain but encouraged the installation of native maple species. She stated the Commission can condition on the permit that native maple trees be planted.

It was noted that the site of the proposed tree in the plan is outside the flood plain. Mr. Clark stated that maybe the owners would keep the native maple tree.

No discussion from the Commission. No public comment.

MOTION
Mr. Coulson moved to approve the Notice of Intent

Ms. Pilling seconded.
Vote: 5-0
Motion carried; Notice of Intent approved.

Andrea Roman, 2071 Route 28-Head of the Bay Road, Map 109, Parcel R1-B. Replacement of existing timber bulkhead cap and adding fill, riprap placement near existing boat ramp, timber stairs replacement, invasive species management, replanting, and vista pruning.

Mr. Ryan Cavanaugh, Engineer-Tighe and Bond, was at the meeting remotely to discuss the project.

Mr. Cavanaugh stated that the property is on Pleasant Bay and the Resource areas associated with the project are a Coastal Bank, Bordering Vegetated Wetland, and Land Subject to Coastal Storm Flowage. Part of the project is also in the Pleasant Bay Area of Critical Environmental Concern (ACEC). He stated that the main scope of the project entails invasive species management throughout the property. They will be trying to bolster the bank as much as possible and replace the invasives being removed with native plants in accordance with the planting plan. In addition to invasive species management, they propose doing vista pruning along the entire waterfront edge of the house, as well as some tree removal.

Regarding the existing timber bulkhead with the riprap revetment in front of it, they propose replacing the timber cap in-kind and adding fill behind the bulkhead because the tie back anchors for the bulkhead are exposed. He spoke about the replanting options plan for the area.

Mr. Cavanaugh stated that the north corner of the property where the boat ramp is located is experiencing some erosion. They had initially proposed adding more revetment to bolster the area and protect the coastal bank, however comments received suggested they switch it to plants and fabric, and stated that they are willing to discuss this option.

Mr. Cavanaugh stated that the last phase of the project is to replace the timber stairs in kind and noted the proposed changes. As far as construction vehicle access, they will use the driveway, the boat ramp, and the lawn behind the home.

Mr. Cavanaugh stated that with respect to scheduling, they hope to do the trimming, the vista pruning, and the invasive treatment this fall, in preparation for planting in the spring.

Ms. Usowski stated she would like to see the new proposed planting plan for the area behind the bulkhead and would be happy to review the plan with them before the next meeting. She has no issues with redoing the bulkhead cap and utilizing clean compatible fill behind it to protect the integrity of the bulkhead but would like to see the types/species of plantings proposed. She stated that the pine tree closest to the ramp on the slope towards the wetland is not compromised, doesn't pose a threat and would like it to remain. She stated that the pine tree that is infested with ivy can be removed.

Ms. Usowski stated that the area where rocks are proposed could do with some fill, matting, or if needed a small diameter of fiber roll that they could fill behind and plant up. She stated that it is a coastal bank and though they do have a rock wall, she doesn't see the need to expand it if there are other viable softer alternatives.

Ms. Usowski stated she has no issue with the replacement of the existing staircase in kind. Regarding the vista pruning, Ms. Usowski spoke about the need for them to maintain the area with proper pruning techniques. She also spoke about a small area that lends itself towards some view pruning, and some mature trees that should not be touched.

Ms. Usowski asked that they be mindful of the species proposing to replant, especially on the slope towards the ramp. and would be happy to look at the planting plan.

Ms. Pilling stated she agreed with Ms. Usowski on the alternative to beach grass. She stated that some nice marsh grass would be a better choice. She stated that pruning down the beach plum requires somebody to be very careful about pruning it, which is not an ideal situation. She stated that limbing up a couple of the oak trees in that area would be fine. She stated that there are a lot of invasives on either side of the stairs and it would be great to see natives planting there.

She asked them that they reconsider the location of the beach plum as beach plum can get very big, will overtake the view and therefore need to be pruned.

Chairman Ketchum asked for public comment.

No further discussion from the Commission. No public comment.

MOTION
Mr. Coleman moved to approve a continuance to the September 3, 2025 meeting
Ms. Mulhall-Maguire seconded.
Vote: 5-0
Motion carried; Continuance to the September 3, 2025 meeting approved.

Anne Brensley and Virginia A. Hung, 64 Smith Street, Map 19, Parcel B1. Demolition of 2 existing barns and 4 sheds, construction of a townhouse building with 6 single-family units, new septic system, new water main, reconfiguration of existing gravel driveway, site grading and landscaping.

Ms. Usowski stated that the applicants have requested a continuance to the September 17, 2025 meeting.

No discussion from the Commission. No public comment.

MOTION
Mr. Ketchum moved to approve a continuance to the September 17, 2025 meeting.
Mr. Coleman seconded.
Vote: 5-0
Motion carried; Continuance to the September 17, 2025 meeting approved.

Lauren McCabe, 11 Nons Rd, Map 6, Parcel C1-10, SE32-2598. Reconstruction of an existing dock. *Continued from July 16, 2025. Applicant would like a continuance to September 3,2025 to go back to the Waterways Committee.*

No further discussion from the Commission. No public comment.

MOTION
Ms. Mulhall-Maguire moved to approve a continuance to the September 3, 2025 meeting.
Mr. Coulson seconded.
Vote: 5-0
Motion carried; Continuance to the September 3, 2025 meeting approved.

James & Jarmila Sullivan, 31 Mill Rd & 6 Brora Dr, Map 15, Parcels U3 & U2-2, SE32-2603. Reconstruction of existing joint use dock and maintenance dredging. *Continued from July 16, 2025.*
Applicant would like a continuance to August 20, 2025

No further discussion from the Commission. No public comment.

MOTION
Ms. Mulhall-Maguire moved to approve a continuance to the August 20, 2025 meeting
Mr. Coulson seconded.
Vote: 5-0
Motion carried; Continuance to the August 20, 2025 meeting approved.

<u>Order of Conditions</u>
Silver Shores Cape Cod, LLC, 0 Snow Inn Road & 69 Snow Inn Road, Map 15, Parcels P3-A and P3-1, SE32-2608.
Dock Restoration

Mr. Ryan Cavanaugh, Engineer-Tighe and Bond, was at the meeting remotely.

Chairman Ketchum stated that he thought she saw a boat tied to the eastern side of the dock and voiced concern about this. Ms. Usowski stated that unless they received a permit to dredge, they cannot park a boat on the north side. She added to the conditions that they can only moor a boat on the south side.

No further discussion from the Commission. No public comment.

MOTION
Mr. Ketchum moved to approve the Order of Conditions with the modifications made.
Mr. Coulson seconded.
Vote: 5-0
Motion carried; Order of Conditions with the Modifications made approved.

Request for Certificates of Compliance

Kreitler Corporation, 8 Mill Road, Map 8, Parcel T2, SE 032-1169. Sewer System Replacement.

Kreitler Corporation, 8 Mill Road, Map 8, Parcel T2, SE 032-2124. Cleaning and Maintenance on a coastal beach.

Ms. Usowski stated that for the certificate of compliance for the beach cleaning, there is no beach left at high tide and sand nourishment is really needed. She stated that perhaps the next time the town does nourishment, they will have some sand available. There are no nesting shorebirds there and this would clean up the deed. She stated that if the new homeowners want to do anything on the property or beach, they have to come in front of the Commission.

No discussion from the Commission. No public comment.

MOTION
Mr. Ketchum moved to approve the Certificates of Compliance for 8 Mill Road, SE032-1169 and SE032-2124.
Mr. Coulson seconded.
Vote: 5-0
Motion carried; Certificates of Compliance for 8 Mill Road, SE032-1169 and SE032-2124 approved.

Discussion and Possible Vote

Board Reorganization

Chairman Ketchum stated that he would be amenable to remaining the Chairman. Mr. Coleman stated that he would be amenable to remaining Vice-Chairman.

No further discussion from the Commission.

MOTION
Mr. Coulson moved to approve to retain Mr. Ketchum as Chairman and Mr. Coleman as Vice-Chair.
Ms. Mulhall-Maguire seconded.
Vote: 5-0
Motion carried; Retaining Mr. Ketchum as Chairman and Mr. Coleman as Vice-Chair approved.

Minutes

July 2, 2025
July 16, 2025

No further discussion from the Commission. No public comment.

MOTION
Ms. Mulhall-Maguire moved to approve the minutes of July 2, 2025 and July 16, 2025.
Mr. Coulson seconded.
Vote:5-0
Motion carried; Minutes of July 2, 2025 and July 16, 2025 approved.

ANY OTHER BUSINESS WHICH MAY COME BEFORE THE COMMISSION

No further discussion from the Commission. No public comment.

MOTION
Mr. Coulson moved to adjourn the meeting at 7:12pm.
Mr. Coleman seconded.
Vote: 5-0
Motion carried; Meeting adjournment at 7:12 approved.

A roll call was taken for the purpose of going into Executive Session to discuss 30/34 Lothrop Avenue litigation, King vs. Harwich Conservation Commission.

Attendance
Kelly Grant
John O'Reilly
Barbara Nickerson
David Clark
Mike Lach
Tom Evans

Minutes submitted by Lisa Shaw, Executive Assistant