



TOWN OF HARWICH

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HARWICH CONSERVATION COMMISSION - MEETING MINUTES

TOWN HALL – GRIFFIN ROOM

Wednesday, August 20, 2025 – 6:00 PM

RECEIVED
TOWN CLERK
HARWICH, MA

2025 SEP -4 A 11: 39

Commissioners and Staff Present

Chairman John Ketchum, Mark Coleman, Sophia Pilling, Wayne Coulson, Conservation Administrator Amy Usowski

Commissioners Absent: Vivienne Muhall-Maguire

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

Ms. Usowski announced that the Conservation Commission is holding their third work session on landscaping and plantings on Friday, August 22, 2025 at 1:30pm in the Griffin Room. She stated that Ms. Kristen Andres from the Association to Preserve Cape Cod will be speaking about the importance of adding native plantings to landscapes. Ms. Usowski encouraged people to attend and stated that people can participate remotely.

The following applicant has filed a Request for an Amended Order of Conditions

Paul Cormier, 65 Shore Road, Map 2, Parcel K1, SE32-2573. Replacement of Coastal Engineering Structure System (CES). *(Applicant has submitted WPA Form 6-Notification of Non-Significance).*

Chairman Ketchum stated that due to a meeting notification error, the Commission will open this case for 65 Shore Road at 6:30pm.

At 6:30pm the Commission heard this case.

Mr. Mark Burgess, Owner/Engineer- Shorefront Consulting, Dan Croteau, Professional Engineer- Moran Engineering, were present to discuss the case. Tom Hughes, Environmental Scientist, was online to discuss the case.

Mr. Hughes stated that the Conservation Commission heard and approved this project in October 2024. He stated that they have now filed an amendment to resolve issues and concerns raised by the Department of Environmental Protection. He read and explained the issues of concern and explained their proposed plans to rectify those concerns.

Ms. Usowski stated that in October 2024, after the Commission approved the project and issued the order of conditions, the Department of Environmental Protection (DEP) questioned the project as being a new structure in a dune. She explained why and how the project was initially approved and the concerns noted by the DEP.

Ms. Usowski stated that the Commission looked into the function of the dune in question and found that it does not really function as a dune and has not functioned as one for quite some time. She stated that given this information, DEP recommended that the applicant file a Notification of Non-Significance and explained that the Commission's next step is to vote to approve an amended order of conditions to add 30 yards of sand and plantings and also vote to issue an order of non-significance which would allow the applicant to proceed as originally approved.

Ms. Usowski noted that this was under the guidance of the DEP and something that is hardly ever done. She noted that the dune is not significant to the interests of the Wetlands Protection Act and in her opinion the proposal is better than what was initially approved.

Ms. Usowski recommended that the Commission issue an amended order of condition requiring 38 yards of additional sand, the plantings, the scribes error correction, and vote to issue the order of non-significance.

Mr. Tom Hughes stated that Form 6 only applies to a discrete and defined area which is the footprint of the geo tubes.

Chairman Ketchum asked for comments from the public.

No further discussion from the Commission. No public comment.

MOTION

Mr. Coleman moved to approve the Amended Order of Conditions and approve the Order of Non-Significance.

Mr. Coulson seconded.

Vote: 4-0

Motion carried; Amended Order of Conditions and Order of Non-Significance approved.

The following applicant has filed a Request for Determination of Applicability

Susan Luckfield, 12 Normans Way, Map 111, Parcel B1-5A, Deck Construction and retaining wall reconstruction.

Mr. Mark Kinnane- Executive Vice-President, Cape Associates, and Ms. Susan Luckfield, homeowner, were present to discuss the case.

Mr. Kinnane stated that the project entails building a small platform deck in the front yard of the property which is mostly in the 100-foot buffer zone. He stated that for mitigation they had talked about planting clover grass in the area where the existing erosion is located, however, Ms. Usowski had notified them that this would not qualify as mitigation. Mr. Kinnane stated they instead propose mitigation plantings along an area close to the pond and on the right side of the property as shown on the revised plans. Mr. Kinnane stated that they are not sure about the spacing of the plantings but are open to suggestions as appropriate.

Ms. Usowski asked about the retaining wall proposed to be fixed. Mr. Kinnane explained how the retaining wall will be reconstructed and the possible disturbance issues.

Ms. Usowski stated that the 16 x 6 deck is within the 50'-100' foot buffer zone and requires a minimum of 2 to 1 mitigation. She stated that Mr. Kinnane was advised that planting clover grass seed over a bare area would not really qualify as mitigation, however she stated that she still encourages them to plant due to runoff at that area.

Ms. Usowski stated that on the pond side and east of the dog fence is an area that is within the 0-50' buffer zone to the pond that could be a nice addition to the pond buffer zone. She recommended that plant spacing for the ink berry, sweet pepper bush, arrowwood, and viburnum shrubs proposed be five to six feet on center. Ms. Usowski recommended approval with a negative 3 determination, requiring that the plantings be installed within the same growing season as the deck installation.

Chairman Ketchum asked for comments from the public.

No further discussion from the Commission. No public comment.

MOTION

Mr. Coulson moved to approve the Request for Determination of Applicability with a Negative 3 determination.

Mr. Coleman seconded.

Vote: 4-0

Motion carried; Request for Determination of Applicability with a Negative 3 determination approved.

Seth Adams, 203 Narrowlands LLC, 203 Route 28, Map 11, Parcel X1-1. Commercial septic upgrade within Land Subject to Coastal Flowage.

Mr. Dan Ojala, Land Surveyor/Civil Engineer- Down Cape Engineering to discuss the project.

Mr. Ojala stated that he is helping owner Seth Adams with this commercial building septic upgrade. He stated that the project is a flood zone only project with very little impact to any wetland resources. He stated that completing the project will be an improvement over the current system that is in place. He explained that the existing building has a leeching field that failed the most recent septic inspection and is in need of an upgrade. He stated that the area is not in priority estimated habitat.

Ms. Usowski confirmed that with the exception of land subject to coastal storm sewage, there are no wetlands on this property. She stated that a minor amount of fill is needed to get adequate separation of groundwater and doesn't believe it's enough to have any negative impact to adjacent properties in the event of a coastal storm. She stated that with the existing septic system failure, this will be an improvement to get a compliant system in terms of groundwater quality. Ms. Usowski recommended approval with a negative 2 determination, that work will take place within the wetland, but will not have a negative impact on that area or its interests.

No further discussion from the Commission. No public comment.

MOTION

Mr. Coleman moved to approve the Request for Determination of Applicability with a Negative 2 determination.

Ms. Pilling seconded.

Vote: 4-0

Motion carried; Request for Determination of Applicability with a Negative 2 determination approved.

Joseph Hooley, 14 Wah Wah Taysee, Map 6, Parcel F1-7. Replacement of the existing dwelling and garage with a new dwelling.

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

Mr. O'Reilly stated that the owners propose to tear down the existing dwelling and detached garage to construct a new dwelling. He stated that the property is within the land subject to flooding at the elevation 12 contour and the northwest corner of the property falls within 100 feet of a coastal bank that is located on the west side of Hulks Point Road. He stated that the new septic system and the house will not alter the flood plain boundary and the house as it is being constructed is beyond the flood plan boundary.

Mr. O'Reilly spoke about the planting area saying it will be lawn with ornamental shrubs. He stated that if the Commission has suggestions for types of native plantings, they would be amenable to their choices. He stated that the roof runoff will be controlled by gutters, downspouts, and dry wells, and the driveway is to be pervious.

Ms. Usowski stated that all the changes on this project are positive. She explained that a portion of the current house is in the flood zone and with this project the new house will be outside of the flood zone. She stated that there will no longer be any structures within the 100-foot buffer zone to the coastal bank, and that they are doing IA treatment to reduce additional nitrogen from their septic system. Ms. Usowski stated that in terms of plantings, she encourages the use of native plantings and will gladly provide them with a list. She stated that the Commission's standard order of conditions will note that no fertilizers, pesticides or herbicides shall be used.

Ms. Usowski stated that she recommends approval with a Negative 2 and a Negative 3 determination.

No further discussion from the Commission. No public comment.

MOTION

Mr. Coulson moved to approve the Request for Determination of Applicability with a Negative 2 and a Negative 3 determination.

Mr. Coleman seconded.

Vote: 4-0

Motion carried; Request for Determination of Applicability with Negative 2 and a Negative 3 determination approved.

HFH Development, LLC, 8 Chloe's Path, Map 31, Parcel D4-4. Excavation of the proposed foundation for construction of a single-family dwelling.

Mr. John O'Reilly, Civil Engineer/Land Surveyor-J.M. O'Reilly Associates, Inc., Mr. Peter Dunovan, Owner-Donovan Building Company, and Ms. Christine Terry were present to discuss the project.

Mr. O'Reilly stated that they are currently working on satisfying the Natural Heritage requirements that were set forth when the development was created over 10 years ago. There is a restriction in place that speaks to where buildings can be placed in order to provide open space for box turtles. He stated that there is a lot of topography at the site and that the house itself is outside the 100-foot buffer zone to a bordering vegetated wetland.

Mr. O'Reilly stated that there should be no need for any type of retaining wall on the south side of the building. He stated that the wetland was flagged several years ago and is part of a larger bog network. He stated that Ms. Usowski had mentioned utilizing some living fence/boulders to protect the 50-foot buffer and the limit of work line.

Ms. Usowski asked that they be sure to keep the limit of work in good order for the duration of the project. She stated that there is a lot of topography on the site, and as seen with the clearing and creation of the road, there were some blowouts in the erosion control. She stated that the applicants need to remain vigilant to make sure the erosion controls remain in place.

Ms. Usowski asked about their limit of work line. Mr. O'Reilly answered that the area where the house is being positioned is the only area that is allowed to be altered. Mr. Donovan stated that they do have a requirement from MISA to have permanent bounds in place. Ms. Usowski suggested that they use a mix of intermittent stones along the limit of work line as well as some native planting so it doesn't look so obvious, but enough to show that a lawn mower should not go past the limit of work line. Ms. Usowski stated that the Commission could condition the types of plantings to be installed if they chose to have some.

Ms. Usowski asked if the Commission could be sent the old data sheets of the wetland study back when the subdivision was created. Mr. O'Reilly stated that he will send over the data sheets.

Ms. Usowski asked them to be aware that plantings to be located within the 100-foot buffer zone to a wetland are required to be native plantings. She stated that as long as they can control all the runoff, she would recommend approval with a negative 3 determination.

Ms. Pilling asked if the Commission should require or suggest that the applicants have a barrier. Ms. Usowski answered that she suggests that the installation of a barrier be a condition of approval. Ms. Pilling said she agrees with that stipulation, agrees that installing boulders is a good idea, and agrees that dense planting should happen as well.

Ms. Usowski showed on the site plan where the applicants should focus on installing the additional plantings. Mr. O'Reilly stated that the owners would like some lawn along the noted area as well. He stated that the slope would be an ideal location for some shrubbery.

Ms. Pilling asked about a landscaping plan and the configuration of lawn versus planting beds. Ms. Usowski stated that if the applicants are agreeable, plantings should be installed south of the 18-foot contour. Mr. Donovan stated that they can put together a landscaping plan to show the lawn and the shrubbery.

Chairman Ketchum asked about the retaining wall located in front of the house. Mr. O'Reilly stated that the retaining wall will be more of a decorative feature. He stated that due to the lot having a lot of typography it is a difficult one to work and the architect has worked hard to get the house to fit on the site.

Chairman Ketchum asked if they plan to vegetate the slope to avoid run off. Mr. O'Reilly answered that vegetating the slope with grasses and shrubs will help to avoid runoff.

Ms. Usowski asked if the Commission would like her to review the draft landscape plan or would they prefer to continue this case to their next meeting and review the landscape plan for themselves. The Commissioners agreed they would be comfortable with Ms. Usowski reviewing and approving the landscape plan.

No further discussion from the Commission. No public comment.

MOTION

Mr. Coleman moved to approve the Request for Determination of Applicability with a Negative 2 determination with the stipulation that Ms. Usowski review and approve the landscape plan prior to any start of work.

Ms. Pilling seconded.

Vote: 4-0

Motion carried; Request for Determination of Applicability with Negative 2 determination approved, with the stipulation that Ms. Usowski review and approve the landscape plan prior to any start of work.

The following applicant has filed a Notice of Intent

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 August 6, 2025.*

Applicant has requested a continuance to September 3, 2025 to allow them to go back to the Waterways Committee on August 20.

MOTION

Mr. Coulson moved to approve to continue to September 3, 2025.

Ms. Coleman seconded.

Vote: 4-0

Motion carried; Continuance to September 3, 2025 approved.

Orders of Condition

Harwich Conservation Trust, 70 Lothrop Ave, Map 20, Parcel A2, SE32-2611. Cottage Demolition.

MOTION

Mr. Coleman moved to approve to the Order of Conditions

Ms. Pilling seconded.

Vote: 3-0-1, Wayne Coulson abstained.

Motion carried; Order of Conditions approved.

Roland and Melanie Gagnier, 7 Old Wharf Road, Map 16, Parcel X4, SE32-2613. Swimming pool construction.

MOTION

Chairman Ketchum moved to approve to the Order of Conditions

Mr. Coulson seconded.

Vote: 4-0

Motion carried; Order of Conditions approved.

MINUTES

August 6, 2025 Regular Session

MOTION

Ms. Pilling moved to approve to the August 6, 2025 Regular Session Minutes.

Mr. Coleman seconded.

Vote: 4-0

Motion carried; August 6, 2025 Regular Session Minutes approved.

ANY OTHER BUSINESS WHICH MAY COME BEFORE THE COMMISSION

Ms. Usowski stated that the Harwich Conservation Trust has donated a greenhouse for the People's Garden.

ADJOURN

MOTION

Mr. Coulson moved to adjourn the regular meeting at 6:54pm and moved to go into Executive Session.

Mr. Coleman seconded.

Vote: 4-0

Motion carried; Regular Meeting adjourned to go into Executive Session.

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

Meeting Attendees

Dan Ojala	Mark Burgess
Annie Crowley	Mark Kinnane
Sue Luckfield	John O'Reilly
Victor Johnson	Karen Cormier
Paul Coleman	Dan Croteau

Submitted by Lisa Shaw, Executive Assistant