



TOWN OF HARWICH

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HARWICH CONSERVATION COMMISSION - MEETING MINUTES

TOWN HALL – GRIFFIN ROOM

Wednesday, September 3, 2025 – 6:00 PM

RECEIVED
TOWN CLERK
HARWICH, MA
2025 SEP 18 AM 9:00

Commissioners and Staff Present

Chairman John Ketchum, Mark Coleman, Sophia Pilling, Vivienne Muhall-Maguire, and Conservation Administrator Amy Usowski

Commissioners Absent: Wayne Coulson

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

Steven and Lauren McCabe, 11 Nons Rd, Map 6, Parcel C1-10. Construction of additions on an existing single-family dwelling, removal of existing hardscape, removal of existing lawn and invasive plantings to be restored with native plants as mitigation for the proposed additions.

Ms. Stephanie Sequin, President-Ryder and Wilcox, was present, and Caitlin Camilliere, Restoration Landscape Designer-Blue Flax Design, was online to discuss the project.

Ms. Sequin explained that the lot abuts Allen Creek and there is an existing bulkhead at the southern edge of the property adjacent to Allen's Creek. She spoke about the existing property structures and configurations versus the proposed plans and changes. She stated that the riverfront, which is 200 feet from mean high water, comes up to the existing bulkhead and extends 200-foot landward onto the property. She stated that the land is subject to coastal storm flowage and is a velocity zone elevation 13. She spoke about the topography of the lot, the flood zone boundaries, the site coverage, the required mitigation for the proposed work, and the existing and proposed buffer cover calculations.

Ms. Sequin spoke about the mitigation plan designed by Blue Flax. She stated that they are proposing to remove the existing lawn, remove the invasives plants, and restore the area. She spoke about construction details and protocols.

Ms. Camilliere spoke about the mitigation plan and explained that they are proposing over 1,600 square feet of mitigation within the riverfront and coastal bank resource areas. She stated that there will be approximately 1,259 square feet of invasive species removed and 413 square feet of lawn adjacent to the invasive species will be added. She stated that the invasive species on the site include bittersweet, shrub honeysuckle, blackswallow wart, and autumn olive. She explained that once the invasive species are removed, the area will be seeded with a native grass and wildflower mix and replanted with native shrubs that are tolerant of the wind prone waterfront location. She stated that the mitigation plan will restore the ecological integrity of the area.

Ms. Usowski explained that the approximately 214 square feet of new coverage is in jurisdictional area. As for mitigation plantings, she noted that they propose approximately 400 square feet of lawn removal, approximately 1,200 square feet of invasive removal and are replanting with a species appropriate for the location. She stated that all work is within the area of the existing house and hardscape and is outside of the 0-to-50-foot buffer zone and the 60 foot no new structure area. Ms. Usowski stated that she did not see this work having an adverse impact to the coastal bank itself. She stated that removing the invasives and adding a variety of natives will help with the ecological diversity on the site. Ms. Usowski recommended approval with a negative 2 and a negative 3 determination.

Ms. Pilling asked if they will use herbicides to remove the invasives. Ms. Sequin stated that herbicide will not be used for the mitigation.

Chairman Ketchum asked about the 100-year flood zone line as seen on the plans. He stated that the line does not coincide with contours that are on the plan. Ms. Sequin explained that it is a velocity zone and explained the details. Ms. Usowski said that it is not elevation based. Ms. Usowski explained that velocity zones are not always coastal banks and vice versa.

Chairman Ketchum asked for comments from the public.

No further discussion from the Commission. No public comment.

MOTION

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

Ms. Mulhall-Maguire seconded.

Vote: 4-0

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

The following applicants have filed a Notice of Intent

Lauren McCabe, 11 Nons Rd, Map 6, Parcel C1-10, SE32-2598. Reconstruction of an existing dock.
(Continued from August 6, 2025).

Mr. Bob Perry, Owner-Cape Cod Engineering, was present and discussed the details of the project.

Mr. Perry stated that initially the L-shaped pile supported pier was desired to be turned into a seasonal float with a shorter pier stem. He stated that after discussing the proposal, he and Mr. McCabe, homeowner, worked on a second rendition that was taken to the Waterways Committee, who approved of this plan as well.

Mr. Perry stated that there is now a shorter pier and a bench framed off to the side. He spoke about the dimensions of the pier, the floats, and the ramp.

Mr. Perry noted that Ms. Usowski had asked if the pilings could be reduced on the bench area and he responded that they could be. Mr. Perry also stated that the structure itself is being reduced from 14 pilings to 10 pilings.

Ms. Usowski explained that when the project first came before the Commission, the proposed structure was a bit more than what was shown at this meeting. She explained that the homeowners are going from a licensed permanent fixed pier to a fixed pier with a seasonal ramp and float. She explained that at the last meeting, the homeowners were asked to be more in line with the regulations in terms of the width of the pier and to get closer in float size to the size of the T end at the end of the pier. She stated that they have now met those terms.

Ms. Usowski stated that the new plan is an improvement over the existing conditions. The Waterways Committee approved it, they are going from 14 permanent pilings down to 10, and are proposing to do shellfish mitigation which they don't currently have to do for their license pier. She recommended approval of the project.

Chairman Ketchum asked for comments from the public.

No further discussion from the Commission. No public comment.

MOTION

Ms. Mulhall-Maguire moved to approve the Notice of Intent.

Ms. Pilling seconded.

Vote: 4-0

Motion carried; Notice of Intent approved.

The Herbert R. Rasnick 2012 Revocable Trust, 8 Cranberry Way, Map 16, Parcel W4-9, SE32-2609.
Building Addition and Septic. *(Continued from July 16, 2025)* Applicant would like a continuance to September 17, 2025 to go to Board of Health.

No discussion from the Commission. No public comment.

MOTION

Mr. Coleman moved to continue the hearing to September 17, 2025.

Ms. Mulhall-Maguire seconded.

Vote: 4-0

Motion carried; Hearing approved to be continued to September 17, 2025.

Kyle L. and Patricia Marles Lissack, 10 Harwich Pines, Map 103, Parcel S1A-11, SE32-2612.
Dock Reconstruction. *(Continued from August 6, 2025)*

Mr. O'Reilly, Owner/Engineer-J.M. O'Reilly & Associates, Inc., stated that they went to the Waterways Committee and received approval for the dock.

Ms. Usowski confirmed that the homeowners received approval from the Waterways Committee. She stated that the dock has been in place for quite some time and the new owners want to properly permit and license it. She stated that the dock meets all the standards for freshwater docks and recommended approval.

Chairman Ketchum asked for comments from the public.

No further discussion from the Commission. No public comment.

MOTION

Ms. Mulhall Maguire moved to approve the Notice of Intent.

Ms. Pilling seconded.

Vote: 4-0

Motion carried; Notice of Intent approved.

Andrea Roman, 2071 Route 28-Head of the Bay Road, Map 109, Parcel R1-B, SE32-2614. 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. *(Continued from August 6, 2025)*

Ms. Jennifer Leighton Gracia, Project Planner-Tighe and Bond, was present to discuss the project.

Ms. Gracia stated that at the site visit several trees were identified as being compromised and will be flush cut, trees located around the stairs to the dock will be limbed, and several plant species initially on the plan for mitigation will be changed out. Ms. Gracia stated that they intend to meet with Ms. Usowski, an arborist, and the homeowner, prior to any tree work being done to make sure that it is done in accordance with the plans and health of the trees. Ms. Gracia stated that they removed the extension of the revetment that was initially proposed and will install more plantings to help stabilize that area.

Ms. Usowski explained that this project is made up of many little different projects and if approved, a pre-construction meeting with the contractors will be key to making sure everyone is on the same page. She stated that the additional rock proposed is not needed at this time as there is not a lot of erosion going on. She stated that if the area is filled a bit and planted correctly, the area will be good for years to come.

Ms. Usowski expressed concern about the plants proposed behind the bulkhead, stating that she is not sure how well American Beach Grass will do at that location. She stated that she would be interested in knowing the commissioner's thoughts about adding a mix at the area.

Ms. Usowski stated that the already established view area by the staircase down to the bank has been pruned for years and it is now clear that not all the understory trees and shrubs will be pruned at that area, instead the more defined areas will be pruned.

Ms. Usowski stated that removing the cedar tree located on the crest of the coastal bank to plant lower to mid species while leaving the root system intact to degrade will provide a view without compromising the thicket of beach plum. She also stated that there are other trees that upon closer inspection are in poorer health.

Chairman Ketchum asked for comment from Commission members.

Ms. Pilling asked if the pitch pines trees that are of concern will remain. Ms. Gracia confirmed that the pitch pines will remain. Ms. Usowski noted that other pitch pine trees located on top of the coastal bank will be pruned.

Ms. Pilling recommended species of marsh of grasses that would do well behind the wall.

Chairman Ketchum voiced concern that the land behind the bulkhead has been subsiding. Ms. Usowski said they the area will be filled. She stated that if the area was going to remain at the same elevation, she would encourage the planting of regular lower marsh species, but because the area is going to go up a foot and a half or so, the area will be too dry for lower marsh species. Ms. Usowski stated that she will review the final planting plans and will note in the order of conditions that American Beach grass is not recommended.

Chairman Ketchum asked for comments from the public.

No further discussion from the Commission. No public comment.

MOTION

Mr. Coleman moved to approve the Notice of Intent with the stipulation that the final planting plan requires review by Ms. Usowski.

Ms. Mulhall-Maguire seconded.

Vote: 4-0

Motion carried; Notice of Intent approved.

Ellery Althaus, 297 Route 28, Map 12, Parcel S6. Removal of existing house, garage and parking, installation of new Title-5 septic system, and construction of a new house above a flood zone complaint garage with a deck, parking, and utilities.

Dan Croteau, Engineer-Moran Engineering, and Joe Nolan, prospective buyer of the home, were present to discuss the project.

Mr. Croteau explained that the property itself is located at the outer edge of the flood plain and is in the process of becoming condominiums.

Mr. Croteau stated that Mr. Nolan went before the Historic Commission and the Commission allowed for the removal of the building because it is not in good repair. He stated that the new building will meet FEMA flood plan requirements and the building code. He explained that the proposed septic system is for four bedrooms and will meet the full title five regulations and town code.

Mr. Croteau explained that he drew up a plan showing the full drainage design and the proposed basic landscaping.

Ms. Usowski stated that many people will be happy that the beech tree on the property is to remain. She spoke about the drainage plan, noting that a good-sized stone leech trench and a vegetated swale in the low point of the lot is proposed. She stated that the existing house has five bedrooms, and the proposed house has four bedrooms. Ms. Usowski explained that very little fill is needed to get to the flood elevation level.

Ms. Usowski recommended approval of new construction in the flood zone.

Ms. Pilling recommended adding construction fence during the construction to protect the root zone of the beech tree.

Chairman Ketchum asked about a wastewater cleanout coming out of the ground between the beech tree and the Bagel Hound restaurant. Mr. Croteau stated that he will take a look to find out what it is.

Chairman Ketchum asked for comments from the public.

No further discussion from the Commission. No public comment.

MOTION

Mr. Pilling moved to approve the Notice of Intent.

Ms. Mulhall-Maguire seconded.

Vote: 4-0

Motion carried; Notice of Intent 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 August 20, 2025.*

Applicant has requested a continuance to Oct 1, 2025 so they may go back to the Waterways Committee first in September.

No discussion from the Commission. No public comment.

MOTION

Mr. Coleman moved to continue the hearing to October 1, 2025.

Ms. Mulhall-Maguire seconded.

Vote: 4-0

Motion carried; Hearing approved to be continued to October 1, 2025.

Request for a Certificate of Compliance

Terrence and Pamela McDermott, 151 Gorham Road, Map 24, Parcel R1-1, SE32-2274. Restoration and mitigation of unauthorized cutting of vegetation within Land Subject to Coastal Storm Flowage and the Buffer Zone to a Bordering Vegetated Wetland.

Ms. Usowski stated that she worked with Mr. McDermott, present for the meeting, for many years to have the area behind the property restored as a huge tree came down and there were a lot of invasives. She stated that from her understanding, there was a misunderstanding between the owner and the landscaper about the amount of clean up to be done. Ms. Usowski stated that Mr. McDermott had Blue Flax design a plan and he has complied with the plan. She stated that enough of the vegetation has survived and naturalized and recommended a certificate of compliance.

Terrence and Pamela McDermott, 151 Gorham Road, Map 24, Parcel R1-1, SE32-2276. Construction of an addition to a dwelling within 100' of a cranberry bog.

Ms. Usowski stated that the addition to the dwelling was done according to plan, the mitigation has survived and she recommended the issuance of a certificate of compliance for both projects.

No further discussion from the Commission. No public comment.

MOTION

Ms. Pilling moved to approve Requests for Certificates of Compliance for SE32-2274 and SE32-2276.

Mr. Coleman seconded.

Vote: 4-0

Motion carried; Certificates of Compliance Approved.

Discussion and Possible Vote

None

MINUTES

August 20, 2025- Regular Meeting, August 22, 2025- Work Session

MOTION

Mr. Ketchum moved to approve the August 20, 2025 and the August 22, 2025 meeting minutes with edits.

Ms. Mulhall-Maguire seconded.

Vote: 4-0

Motion carried; Meeting minutes for August 20, 2025 and August 22, 2025 with edits approved.

ANY OTHER BUSINESS WHICH MAY COME BEFORE THE COMMISSION

Ms. Usowski stated that Whole Foods donated \$1,000 worth of soil.

Chairman Ketchum stated that the Cape Cod Technology Council has a monthly speaker event that takes place the first Friday of every month. He stated that Brian McCormack, Coastal Processes Specialist for Barnstable County will be speaking at the next meeting about what happens to sand and erosion on the coast.

ADJOURNMENT

MOTION

Mr. Coleman moved to adjourn the regular meeting at 6:58pm and moved to go into Executive Session.

Ms. Mulhall-Maguire seconded.

Vote: 4-0

Motion carried; Regular Meeting adjourned at 6:58pm to go into Executive Session.

A roll call was taken for the purpose of going into Executive Session to discuss and possibly vote to support an application for Community Preservation Act funds by the Harwich Conservation Trust to acquire a parcel of land, and for the Commission to hold a Conservation Restriction on that land.

Meeting Attendees

Jennifer Leight Gracia

Stephanie Sequin

John O'Reilly

Joe Nolan

Daniel Croteau

Submitted by Lisa Shaw, Executive Assistant

