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HARWICH

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HARWICH CONSERVATION COMMISSION - MEETING MINUTES

TOWN HALL – GRIFFIN ROOM

Wednesday, October 1, 2025 – 6:00 PM

Commissioners and Staff Present

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

Absent: None

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

Discussion and Possible Vote

Harwich Conservation Trust (HCT), Town of Harwich Real Estate and Open Space (REOS) Committee project. Discussion and possible vote for transferring selected Town-owned parcels having natural resource values including but not limited to Natural Resource protection and other conservation importance from the care and custody of the Select Board to the Conservation Commission or the Water Department. Possible vote of approval and provide a letter of support for the Select Board.

Present to discuss the proposal were Mr. Michael Lach, Executive Director of the Harwich Conservation Trust, and Mr. Dave Callaghan, Chair of the Harwich Real Estate and Open Space Committee. Mr. Lach noted that Tom Evans, President of the Board of Trustees of the Harwich Conservation Trust, and Charles Sumner, Director of the Operations for the Harwich Conservation Trust were in the audience.

Mr. Lach stated that this is an initiative proposing the transfer of selected town-owned parcels, currently under the custody of the Harwich Select Board, that have significant natural resource value. He stated that the parcels on the list would be transferred either to the Conservation Commission or the Water Department based on certain criteria. The goal of the partnership project is to ensure that existing town-owned parcels that facilitate public water supply recharge, pond or marine watershed recharge, habitat integrity, resilience to the effects of climate change, and other community values, are appropriately protected and managed to support the long-term viability of natural resources in Harwich. Mr. Lach stated that the Water and Wastewater Commissioners voted unanimously to support this initiative. He noted that this initiative is similar to a project completed in the town of Brewster under the leadership of Charles Sumner.

Mr. Lach stated the Harwich Conservation Trust (HCT) seeks a letter of support from the Conservation Commission to be given to the Selectboard. The HCT will seek the Selectboard's sponsorship of a warrant article for the May 2026 Town meeting.

Slides of each of the proposed parcels of land on the list and details of each parcel were discussed.

Ms. Usowski stated she is familiar with this initiative and noted that much thought and work has gone into it. She stated that most of the parcels are not developable as they are wet, and most abut either water department or conservation protected land. She stated she agrees with the parcels listed to be placed under Conservation purview except the parcel located at the corner of Lakeway Lane and Queen Anne, Map 102, Parcel R1-5, explaining that more research is needed.

Ms. Usowski asked for the Conservation Commission's support to include information into the letter as to why a parcel has been selected to be under the purview of the Conservation Commission or the Water Department.

Mr. Coulson said he agrees with Ms. Usowski's assessment.

Ms. Mulhall-Maguire stated that the project makes sense and deferred to Ms. Usowski's assessment of the parcel located at the corner of Lakeway Lane and Queen Anne. She stated that either side of this property abuts residential property and voiced concern about the implications for the property owners if the parcel is deemed a wetland.

Mr. Callaghan stated that he is inclined to pull the questionable parcels off the list.

Mr. Coleman said it is a sensible approach. He agreed that it makes sense to take the parcel located at corner of Lakeway Lane and Queen Anne Road off the list.

Ms. Pilling stated she supports the plan. She expressed that if there is open space that can be saved, it should be saved.

Chairman Ketchum agreed with Ms. Pilling's statement to save open space if it can be saved. He asked for clarification about the parcels deemed suitable for housing or affordable housing. Mr. Callaghan stated that at this point, nothing has yet been decided or finalized, they are simply gathering information and looking into possible alternative uses for the parcels.

A discussion was had about the one-acre parcel located next to the Cape Cod Rail Trail, near Hinckley Pond. Ms. Usowski explained the details of the parcel and spoke about the funding that was given back to the CPC.

Ms. Usowski asked about a parcel noted as being under the Selectboard purview. Mr. Callaghan stated that the records have been corrected to show that the parcel in question is under the Conservation Commission's purview.

Ms. Usowski suggested that in explaining this initiative to the Selectboard, it might be worthwhile to include the criteria used to evaluate the properties to decide if a parcel is geared more towards conservation, housing, or recreation.

Mr. Ketchum stated that he fully supports the initiative.

Chairman Ketchum asked for public comment. There was none.

Ms. Mulhall-Maguire stated that more information as to how each parcel fits a particular criterion, and more information on the 759 Queen Anne Road parcel is needed.

Ms. Usowski stated she will draft the letter of support to be ready for signing at the next meeting.

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

The following applicant has filed a Request for Determination of Applicability

Daniel P. Sweeney, 29 North Road, Map 11, Parcel B1. Removal and treatment of invasive plants and planting of native species.

Mr. Daniel Sweeney, homeowner, was present. Mr. Sweeney requests to remove invasives on the south side of his property to be replaced with native plantings. The location of the work is near the Herring River. He stated that the invasives/poison ivy will be removed by hand.

Ms. Usowski stated that this project is before the Commission due to its' proximity to the river. She stated that now is a good time to tackle removing the invasives and recommended Mr. Sweeney be allowed to use the cut and wipe herbicide treatment method, particularly on the bittersweet, with a certified herbicide applicator. Mr. Sweeney will work with the Conservation Department to plant native species on the property. Ms. Usowski recommended approval with a Negative 2 and a Negative 3 determination and noted that The Conservation Department will monitor the work.

Ms. Pilling stated that she supports the project. She spoke about the drawbacks related to both Virginia creeper and Trumpet vine, both natives, noting that some people are sensitive to Virginia creeper in the same way as they are to poison ivy, and Trumpet vine is very aggressive. She stated that if there is not enough room for the Trumpet Vine to grow, it could choke out the trees.

Mr. Coleman and Mr. Coulson stated they support the project.

Ms. Usowski clarified that Mr. Sweeney needs to monitor the site after the work has been completed and if the invasives come back, removal must be done by a licensed applicator.

No discussion from the Commission. No public comment.

MOTION

Mr. Coulson moved to approve the RDA with a Negative 2 and a Negative 3 Determination.

Ms. Pilling seconded.

Vote: 5-0

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

Louis J. Seminara, Jr., 6 Duarte Drive, Map 71, Parcel B2-3. Construction of a single-family dwelling and associated grading for the adjacent roadway.

Mr. Dan Ojala, Professional Engineer- Down Cape Engineering, was present to discuss the project.

Mr. Ojala explained that the 2-acre lot is in a three-lot subdivision that was approved in the mid 1990's. He stated that there are a few resource areas of concern and spoke about the specifics of those areas and scope of the work.

Mr. Ojala stated that the subdivision road is going to be constructed and that while none of the drainage is technically in the wetland resource area, there will be some tractor work and grading that will touch the 100' buffer. Mr. Ojala noted that Ms. Usowski suggested placing a single rail fence or other marker along the 75-foot buffer line. He stated that the 75-foot buffer will be kept vegetated and there will be a work limit line until the site is stable.

Ms. Usowski stated that the site abuts a small wetland and is a very natural piece of property with very few invasives. The majority of the work is outside of the Conservation Commission's jurisdiction. She expressed that placing a physical barrier at the 75-ft no disturb zone would serve for mitigation purposes. She stated that the physical barrier could consist of large stones placed intermittently, 15-20 feet apart, as well as dense plantings.

Ms. Usowski recommended approval of the project with a Negative 3 determination, with the condition of the buffer zone's physical barrier being used to delineate the buffer zone.

Chairman Ketchum asked for comments from the Commission and the public.

Mr. Coulson stated he agrees with Ms. Usowski and supports the project.

Ms. Mulhall-Maguire stated that placing large stones to delineate the buffer zone is a good idea.

Ms. Pilling asked whether the Commission could condition that no fertilizers, pesticides, or herbicides be used in the 25-foot strip between the 75- and 100-foot buffer zones. She stated that the landscape deserves some special attention. Ms. Usowski said that those conditions would be a condition for the yard area when a planting plan is submitted.

Chairman Ketchum asked about the standards for how the riverfront area was drawn on the plan and a discussion ensued with Ms. Usowski explaining the reason.

Ms. Usowski explained that with an RDA request, only a cover letter with conditions is required. The conditions include implementing only drought tolerant plants, using a fescue mix for the lawn, requiring the limit of work to have intermittent stones, along with encouraging the use of other native plantings.

No further discussion from the Commission. No public comment.

MOTION

Mr. Coleman moved to approve the RDA with a Negative 3 determination with the noted conditions as discussed.

Ms. Pilling seconded.

Vote: 5-0

Motion carried; RDA approved with a Negative 3 Determination with the noted discussions as discussed.

The following applicants have filed a Notice of Intent

Town of Harwich, Anthony Schiavi, Interim Town Administrator, 15 Wales Road, Map 73, Parcel F1-78.
Construction of the Town of Harwich Phase 3A Sewer Extension Project consisting of a pumping station, a sanitary sewer system and stormwater management.

Mr. Anthony Schiavi, Acting Harwich Town Administrator, and Mr. Brandon Nowakowski, Engineer-GHD, were present. Ms. Elizabeth Cheeseman, Engineer-GHD was online.

Mr. Schiavi explained that this project for the pumping station shed to house the backup generator, is part of the Great Sand Lakes Sewer extension project approved at the May 2025 Town Meeting. He explained that various locations were looked at and this town-owned location on 15 Wales Road was found to be the most suitable. He stated that the Zoning Board of Appeals approved the project at their September 24, 2025 meeting.

Ms. Usowski explained that the resource area in question is a small, isolated wetland with some bordering vegetated wetland around it. She stated that she and GDH worked together to fine tune the wetland delineation to push the project closer to the road and confirmed that this location was found to be the least invasive. She stated that the structure is outside the 50-foot no disturb zone from the wetland and within the 60-foot no new structure regulation. She noted that it is not possible to mitigate on the site.

Ms. Usowski's recommended project conditions include placing intermittent stones along the limit of work to confine vehicles arriving to service the structure, to carefully remove the piled vegetated debris, and install signage to note that dumping is not allowed and is a fineable offense.

Ms. Usowski deemed that no mitigation is needed since the project is critical to the improvement of the water quality going into the Great Sand Lakes area. She stated that since a DEP number has not yet been assigned, the case needs to continue to the next meeting.

Mr. Coulson stated that it is great that sewers are going into the area.

Mr. Coleman stated that the project is a very important piece of the infrastructure.

Ms. Pilling stated that given the disturbance from the construction work, any grasses put back in should be drought tolerant, require little to no maintenance, with no mulch used.

Chairman Ketchum expressed that with the dumping of debris recently seen at the site, the signage needs to discourage this. He stated that someone should drive by the site after construction to make sure.

Chairman Ketchum asked for public comment.

Ms. Celene Federici, 12 Wales Road, asked if there would be plantings around the pump station and if the fire hydrant will be relocated. Ms. Usowski explained that there will be a minimum amount of disturbance and there will be no plantings. With regards to the fire hydrant, it will be relocated to the opposite side of the road from Ms. Federici's property.

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

MOTION

Chairman Ketchum moved to approve a continuance of the case to the October 15, 2025 meeting.

Mr. Coulson seconded.

Vote: 5-0

Motion carried; Continuance to the October 15, 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 September 3, 2025*

Mr. Mark Burgess, Owner/Engineer-Shorefront Consulting, was present to discuss the project.

Mr. Burgess stated that the Waterways Committee reviewed the revised plan and requested that Note 11, regarding the dredging material and the disposal of the spoils, to be revised and that he attend the October 15, 2025 Waterways Committee meeting to show them the revision.

Mr. Burgess stated that Ms. Usowski had suggested that an overwash bulkhead located landward of the existing floats could be installed, thereby protecting the soil from eroding away from the marsh and preventing sediment from moving. Ms. Usowski stated that the project as now proposed will best protect the resource areas, particularly the salt marsh.

Mr. Burgess stated that the dredging is now 254 cubic yards and will be dredged to minus 3 on the whole north and south sides and will not be going into the federal channel. He spoke about the comments received from the Division of Marine Fisheries (DMF). Ms. Usowski explained that DMF did not want to see changing of intertidal habitat to land under the ocean, but they are advisory, not regulatory.

Ms. Usowski stated that Mr. John Harker, Harbormaster, has asked for a condition restriction that there be no work activity between June 15th and September 15th of any year. Mr. Burgess stated that a special condition be implemented to have both the Harbormaster and the Natural Resource Director at a pre-construction meeting.

Chairman Ketchum asked for Commission comments.

Mr. Coulson stated that the overwash bulkhead is the perfect way to handle the project.

Ms. Mulhall-Maguire stated that it is a responsible compromise and a good solution.

Mr. Coleman stated that it is a good means to the end.

Ms. Pilling complimented Ms. Usowski for the idea.

Ms. Usowski stated that the case needs to be continued until after the Waterways Committee October 15, 2025 meeting.

No further discussion from the Commission. No public comment.

MOTION

Chairman Ketchum moved to approve to continue the case to the November 19, 2025 meeting.

Mr. Coulson seconded.

Vote: 5-0

Motion carried; Continued to the November 19, 2025 meeting approved.

Order of Conditions

The Herbert R. Rasnick 2012 Revocable Trust, 8 Cranberry Way, Map 16, Parcel W4-9, SE32-2609.
Building Addition and Septic.

Ms. Usowski went over the conditions of the project.

No discussion from the Commission.

MOTION

Mr. Coulson moved to approve the Order of Conditions.

Mr. Coleman seconded.

Vote: 5-0

Motion carried; Order of Conditions approved.

Request for a Certificate of Compliance

Katherine Seufert Green, 2261 Head of the Bay Road, Map 119, Parcel N5, SE32-2425. Renovation of the dwelling, reconstruction of deck, and installation of a generator and propane tank.

Ms. Usowski stated this will be placed on a future meeting agenda.

Discussion and Possible Vote

Comments on Local Comprehensive Plan-Vote to support

Chairman Ketchum offered suggestions of information to be included in the Local Comprehensive plan. He stated there should be opportunities in the plan to educate homeowners about the various conservation efforts and endeavors and pointed out data to be updated. Ms. Usowski stated she will get clarification on specific items discussed but noted that she needs to submit the Commission's comments by October 3, 2025.

Chairman Ketchum stated that he would still support the plan even with the concerns cited.

The Commission did not take any action on this.

Review and possible endorsement of CPC application for study of Hinckley Pond

Ms. Usowski stated that she and Harwich Natural Resources Director, Stephanie Ridenour, recently put together a Community Preservation application (CPC) to request funding for diagnostic assessment of Hinkley Pond. She stated that with a long period of declining pond health and study, the town treated Hinckley Pond in 2019 with alum following an extensive order of conditions from the Conservation Commission. She will ask the Commission for their vote of support for this CPC application at their October 15, 2025 meeting.

Ms. Usowski stated that further study of the pond is strongly recommended because there were signals that the pond was not responding as well as it should from the treatment. She summarized the scope, timeline and assessed cost of the proposed study to hopefully be funded by CPC monies. The start date of the study would be July 2026 and entail 18 months of work.

Ms. Usowski stated that West Reservoir is to be studied next.

Ms. Usowski stated that new Conservation Commissioner, Ms. Susan Cyr, will attend the October 15, 2025 meeting.

Minutes:

September 17, 2025

MOTION

Ms. Mulhall-Maguire moved to approve the September 17, 2025 meeting minutes.

Mr. Coulson seconded.

Vote: 5-0

Motion carried; Minutes of September 17, 2025 approved.

ANY OTHER BUSINESS WHICH MAY COME BEFORE THE COMMISSION

None

ADJOURNMENT

Mr. Coulson made a motion to adjourn the meeting at 8:10pm.

Ms. Mulhall-Maguire seconded.

Vote: 5-0

Motion carried; Meeting adjourned.

Attendees

Brandon Nowakowski	Dan Ojaja	Celine Federici
Dave Sweeney	Maryellen Dumais	Mark Burgess
Dave Callaghan	Tom Evans	Daniel Sweeney

Submitted by Lisa Shaw, Executive Assistant