



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, November 5, 2025 – 6:00 PM

RECEIVED
TOWN CLERK
HARWICH, MA
2025 NOV 20 PM 1:17

Commissioners and Staff Present

Chairman John Ketchum, Mark Coleman, Wayne Coulson, Susan Cyr, and Conservation Administrator Amy Usowski

Absent: Vivienne Mulhall-Maguire and Sophia Pilling.

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

Change in Plan

Mark and Brianne Allen, 18 Captain Todd Way, Map 13, Parcel W1-21, SE32-2437. New dwelling.

Ms. Usowski stated that the Conservation Commission issued a permit in 2021 to build this new dwelling on Long Pond. She explained that the project received an extension under the economic recovery permit extension act and noted that the design change is slightly smaller than originally approved. She recommended approval.

No Commissioner comments. No public comments.

MOTION

Mr. Coulson moved to approve the Change in Plan.

Mr. Coleman seconded.

Vote: 4-0.

Motion carried; Change in Plan approved.

Discussion and Possible Vote

Rescind Certificate of Compliance for 4 Evergreen Way, LLC., 4 Evergreen Way, Map 55, Parcel H3-1, SE32-793. Issued on September 17, 2025. Vote to rescind the Certificate of Compliance and issue a new, revised one.

Mr. Rick Hamlin was present to discuss the issue. He stated that he is the owner of approximately 25+/- acres of cranberry bog and upland located off Main Street Extension and that without prior notification, he became aware that Attorney Jeff Bellas had applied for and received a Certificate of Compliance for 4 Evergreen Way, SE32-793, issued to Ron Kendall/John English. Mr. Hamlin explained that he purchased Lot A from John English in 1996 and the balance of the 25+/- acres of the bog and upland on 5/1/2000. He stated that per Attorney's Myer Singer and Richard O. Perry conclusions, SE 32-793 Order of Conditions "runs with the land" for both purchases and therefore as the rightful owner of

both properties he, Mr. Hamlin, is the only party that controls SE 32-793. He explained that under no circumstances should a third party be allowed to request anything related to SE 32-793, especially without the owner's knowledge or notification.

Mr. Hamlin noted that Attorney Bellas erroneously applied for a Certificate of Compliance for SE 32-793, which included the entirety of the 25 +/- acres of bog and upland, and Lot A without notifying Mr. Hamlin. Mr. Hamlin explained that Evergreen Way went through the sub-division process and SE 32-793 may contain an extremely small portion of Lot A as it relates to 4 Evergreen Way. He stated that had he been notified, he would have supported a request for a partial release of SE 32-793 as it specifically relates to Parcel 1A and 2B.

Mr. Hamlin requested that the Commission rescind the Complete Certificate of Compliance for SE 32-793 and encouraged them to issue a Partial Completion for 4 Evergreen Way, Map 55/parcel H3-1, SE 32-793 for the following four plans: Plan BK 529 PG 72, Lot A plan by Soule Land Surveying dated October 28, 1996, for John & Kathleen English & Richard A. Hamlin. Plan BK 599 PG 29 plan by Soule Land Surveying for Richard A. Hamlin dated April 12, 2005, FOR LOTS 1A & 2B. Plan BK 571 PG 57 by Soule Land Surveying for Richard A. Hamlin dated January 2, 2002 and August 12, 2004 as may be related to Evergreen Way.

Ms. Usowski confirmed that the Commission should rescind the Certificate of Compliance issued on September 17, 2025 and vote to issue a partial on the same DEP number. This would allow Mr. Hamlin to continue to maintain the bog areas while releasing the northernmost section.

Mr. Rick Hamlin, property owner, stated that he is aware of the stockpiling issue as seen on the property by Ms. Usowski. He stated that the issue is being addressed.

No Commissioner comments. No public comments.

MOTION

Chairman Ketchum moved to approve rescinding the Certificate of Compliance voted on September 17, 2025 by the Conservation Commission.

Ms. Cyr seconded.

Vote: 4-0.

Motion carried; Rescinding the Certificate of Compliance voted on September 17, 2025 by the Conservation Commission approved.

MOTION

Chairman Ketchum moved to issue a Partial Certificate of Compliance for SE32-793 as it relates specifically to Parcels 1A and 2B by Soule Land Surveying dated April 12, 2025, and of the original Lot A plan Map 55 Parcel H3-1 by Soule Land Surveying dated October 28, 1996, and to the Plan by Soule Land Surveying dated January 5, 2002 and August 14, 2004 related to the creation of Evergreen Way.

Ms. Cyr seconded.

Vote: 4-0.

Motion carried; Issuing of a Partial Certificate of Compliance as noted approved.

The following applicant has filed a Request for Determination of Applicability

Bernard G. Sykes, 27 Saquatucket Bluffs Road, Map 16, Parcel N1-23. Installation of Title-5 Septic System and water service line for existing house.

Mr. Rick Judd, Owner-Moran Engineering, was present to discuss the project. He stated the property is in the process of being sold and the septic needs to be replaced as it failed the Title 5 inspection.

Mr. Judd stated they will replace the existing septic tank with a new one at the same location and explained how the work will be completed. The area is lightly landscaped with wood chips and mulch and has a shell driveway. He stated that there is no proposed contour change. He stated that the water service needs to be routed slightly to the north and erosion control measures will be in place throughout the construction. They will return the site to its current look.

In answer to Ms. Usowski's question regarding the number of trees to be removed, Mr. Judd answered that two oak trees will be removed. Ms. Usowski stated that for each tree removed, the Commission typically requires 3 native shrubs to be planted and suggested that as mitigation for the removal of the two Oak trees, six marsh elder plants be planted at the bare area where the previous owner's boats were located. She explained that these plantings should be done under the Conservation Commission's guidance. She stated that the location of the septic system is the only place for it to go.

Ms. Usowski recommended approval with a Negative 2 and a Negative 3 determination, that work will take place both in the buffer zone to a wetland and in a wetland (flood zone), but will not have an adverse impact on those areas or interests.

No Commissioner comments. No public comments.

MOTION

Ms. Cyr moved to approve the RDA with a Negative 2 and a Negative 3 Determination with the stipulation that 6 marsh elder plants be planted as mitigation for the two oak trees to be removed.

Mr. Coulson seconded.

Vote: 4-0.

Motion carried; RDA approved with a Negative 2 and a Negative 3 Determination with the stipulation that 6 marsh elder plants be planted as mitigation for the two oak trees to be removed.

Michael H. Carothers & Elizabeth W. Carothers, 170 Gorham Road, Map 24, Parcel P3-2.

Addition to an existing dwelling, construction of a Title 5 Septic System.

Mr. Rick Judd, Owner-Moran Engineering, was present to discuss the project. The owners propose a two-story addition on the back of house within the flood plain and the construction of a Title 5 Septic System. Mr. Judd stated that the plan for the house renovation includes the expansion of the first floor and the total renovation of the second floor. He explained the topography of the lot, stated that erosion control measures will be in place, and noted that the proposed soil absorption system would be outside the 100-foot wetland setback. He stated that the area selected for the septic was chosen because it will blend into the existing topography with minimum contouring.

Ms. Usowski stated that the proposed addition is located where the patio is currently. She confirmed that it is in the flood plain, but outside the 100-foot buffer zone to the wetland and outside the 200-foot riverfront area. Ms. Usowski spoke about the work that would need to be completed should the project trigger the FEMA 50% rule, whereby if the cost of a structure's repairs or improvements exceeds 50% of its pre-flood market value, it must be brought up to current flood-resistant construction standards.

Ms. Usowski recommended approval with a Negative 2 and a Negative 3 Determination with the conditions that there be no pesticides, herbicides, or fertilizers used on the lot, the disturbed area be reseeded with a native drought tolerant fescue mix, and roof runoff from the house be directed into drywalls. She added that if the water table is too high to have drywalls, a French drain added around the roof line would be sufficient.

Chairman Ketchum asked that it be emphasized in the correspondence to the homeowner that since the property is in the flood plain, no fertilizers, pesticides or plant nutrient treatments of the lawn shall be used.

No further Commissioner comments. No public comments.

MOTION

Mr. Coulson moved to approve the RDA with a Negative 2 and a Negative 3 determination with the conditions as stipulated.

Ms. Cyr seconded.

Vote: 4-0.

Motion carried; RDA approved with a Negative 2 and a Negative 3 determination with the conditions as stipulated.

Jillian Benelli, 22 Frances Road, Map 56, Parcel B3-1. Removal of hazard trees and invasive plants.

Ms. Jillian Benelli, homeowner, was present to discuss the project. She stated she would like to remove hazard trees and some invasives around the home.

Ms. Usowski stated that the trees in question are in various states of deteriorating health and are a hazard. She stated that with the number of trees that need to come down, there is a fair amount of mitigation planting that would need to be done, but since the life of the permit is 3 years, it could be achievable. Ms. Usowski noted that if there were no mitigation plantings, she would not recommend approval, but if Ms. Benelli is in agreement with the plan as discussed via email in terms of the type of shrubs that would work, she could recommend approval.

Ms. Usowski stated that Ms. Benelli also requested to remove some of the invasives. Ms. Usowski explained that since Ms. Benelli is in the landscaping business, she would like to allow Ms. Benelli to continue to manage this so it doesn't become more of a problem.

Ms. Usowski recommended approval with a Negative 3 Determination as it is buffer zone work only.

No Commissioner comments. No public comments.

MOTION

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

Mr. Coleman seconded.

Vote: 4-0.

Motion carried; RDA approved with a Negative 3 Determination.

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

Alexandra A. Burrill & Jonathan T. Burrill, 116 Sisson Road, Map 30 Parcel G5-4, SE32-2507. Request for amended order of conditions with relocation of deck stairs, substitution of post-n-rail fence for chain link fence, addition of stone retaining wall, addition of patio, and mitigation plantings.

Mr. Kieran Healey, Land Surveyor-BSC Group, was present to discuss the project on behalf of the property owners. Mr. Healey stated that a number of years ago they filed a Notice of Intent to build this house and when they recently requested the Certificate of Compliance, the as-built plan was found to be different from what was approved. The items that were found to not be in compliance with the order of conditions were the following: Installation of a chain-link fence, installation of a rock wall, the location of the stairs, the patio and gravel area behind the house, the installation of a catch basin, and use of fertilizers/herbicides.

Ms. Usowski stated that when she went out for a site visit for the Certificate of Compliance she saw the issues that had not been approved. She stated that she does, however, believe there are some benefits to the changes. She stated that the applicant paid double the filing fee as an after the fact filing.

Ms. Usowski noted that the Commission had approved intermittent stones or a living fence for use as a no disturb zone, but landward of that area, a chain-link fence was installed to enclose the rear yard. She stated that the Commission typically would not seek a formal fence that would prohibit wildlife from entering and exiting, but the location of the fence serves to keep people out of a more sensitive buffer zone area and recommended they be allowed to keep it. She stated that the rock wall was not permitted by the Commission, but it does serve to prevent erosion and other encroachment into the more sensitive area and could house tiny critters, and recommended they be allowed to keep it. Ms. Usowski agreed that the installation of the catch basin helps prevent run-off and recommended they be allowed to keep it. She stated that the Commission did not agree to the patio, but if the Commission were to consider it, 2:1 mitigation plantings would need to be installed as the patio is between 75-100 feet from the wetland, and the denuded area behind the split-rail fence would be the planting area. Ms. Usowski recommended that the Commission approve the patio with the stipulation that the mitigation plantings done by May 15, 2026. She noted that restoring the denuded area with plantings makes up for what would have been lawn area. Ms. Usowski opined that the stairs are not an issue, the bigger concern is the ongoing use of fertilizer in the 100-foot buffer zone.

Ms. Usowski stated that the owners and their agent are seeking an amended order of conditions and if approved, then the certificate of compliance would also be on the table, which would allow the property to transfer.

Mr. Coleman stated that he sees more benefits than negative impacts overall.

Ms. Usowski explained that the change would be to adopt this new plan of record with the condition that the section of patio to be removed by May 15, 2026, and that the plantings be done by May 15, 2026. Ms. Usowski confirmed that no lawn treatment would be an ongoing condition that would be carried over to the certificate of compliance.

No further Commissioner comments. No public comments.

MOTION

Ms. Cyr moved to approve the Amended Order of Conditions

Mr. Coleman seconded.

Vote: 4-0.

Motion carried; Amended Order of Condition approved.

The following applicants have filed a Notice of Intent

Louis and Dawn Finocchiaro, 25 Monomoy Road, Map 5, Parcel K1-A8, SE32-2618. Construction of an inground pool with retaining wall and fill, patio, cabana with a bathroom, rinse station and storage unit. A portion of the work will occur within the land subject to coastal storm flowage. (*Continued from October 15th, 2025*).

Ms. Hamlyn, Owner- Hamlyn Consulting, was present representing the homeowners.

Ms. Hamlyn stated that all that was needed from the last meeting was the DEP number, which has been issued and for the submission of the revised plan showing a work limit line.

Ms. Cyr asked about the saving of one of the trees. Ms. Usowski recommended that the two trees be replaced with two or three native shrubs that are approved by the Conservation Department.

MOTION

Ms. Cyr moved to approve the Notice of Intent.

Mr. Coulson seconded.

Vote: 4-0.

Motion carried; Notice of Intent approved.

Katherine S. Green, Trustee, 2257 Route 28 Head of the Bay, Map 119, Parcel N2, SE32-2617. Repair of an eroded portion of stone revetment along the shore of Pleasant Bay and reconstruct existing wood deck in-kind.
(Continued from October 15th, 2025)

Mr. Raúl Lizardi-Rivera, Director of Engineering-Cape and Islands Engineering, was online representing the homeowner.

Mr. Lizardi-Rivera stated that the DEP number for the project has now been issued. He noted that some minor revisions were made to the plan. The native plant species proposed are now on the plan and they will transition the revetment from elevation 10 to elevation 8.5 as the revetment approaches the existing pier.

Ms. Usowski noted that the DEP number has been issued and that they spoke about the staircase to make sure that the wall transitioned well so that there wasn't exacerbated erosion there. She stated that with the changes she recommended approval of the Notice of Intent.

No Commissioner comments. No public comments.

MOTION

Ms. Cyr moved to approve the Notice of Intent.

Mr. Coleman seconded.

Vote: 4-0.

Motion carried; Notice of Intent approved.

William and Barbara Connolly, 17 Dunes Road, Map 5, Parcel K1-2-0. Addition to an existing dwelling and associated mitigation plantings.

Mr. Sean Riley, Vice President- Tighe and Bond, and Mr. Dillon Lance, Landscape Designer-Crawford Land Management were online to represent the homeowners.

Mr. Riley spoke about the location of the project, the site, and the work to be done. He stated that the addition is proposed for the western end of the house outside of the 50ft buffer, approximately 58 feet, but no closer than what exists now from the coastal bank. For the addition, they are going to relocate the bulkhead from the west side of the house to the east side. The total coverage within the 50-100 foot buffer zone is approximately 330 square ft, and they propose 660 ft of native plantings as mitigation which will replace lawn adjacent to the existing vegetation along the coastal bank.

Ms. Usowski spoke about the planting plan. She stated that it is just over the 2:1 mitigation requirement and it makes sense to plant in the corner of the property where they are not going to be inclined to prune. She suggested they switch out the black chokeberry for something more salt and wind tolerant such as bayberry or beach plum.

She stated that it seems they are vista pruning a hedge of Rosa Ragusa which is now considered invasive, and it looks as though a few pine trees located in the dunes have also been cut. She suggested that the Commission incorporate vista pruning of the Rosa Ragusa in the order of conditions. She stated that to make this pruning permitted, she suggested they allow it to continue to grow but to a height of no less than 3 feet which is consistent with what the Commission has previously allowed. She added that there should be no pruning of any dune vegetation, including the pine trees, without permission from the Conservation Commission.

Ms. Usowski stated that she doesn't have any issues with the 12 x 25 house addition with the mitigation.

Ms. Usowski agreed with Mr. Riley that by definition of 92-1, there is a small coastal bank on the landward side, however she did not think it deserves a 50- and 100-foot buffer zone. She stated that the more significant wetland and buffer would be the coastal bank on the seaward side.

Ms. Usowski recommended approval of the project with the change to the plants, the switching out of the black chokeberry, and the condition that there be no treatments of the area within the Commission's jurisdiction.

Chairman Ketchum asked if the coastal bank on the north side is relevant to this case. Ms. Usowski responded that this is not relevant to the project, but noted that she did not know if it would nip the house addition or not without knowing measurements.

Chairman Ketchum noted that there shall be no treatment of any of the vegetated areas in the property within the 100-foot buffer zone and that includes any nutrient containing soil amendments.

Ms. Usowski stated that because the DEP number has not yet been issued, the case will need to be continued.

Mr. Riley said that he will submit the revised plan to Ms. Usowski.

No further Commissioner comments. No public comments.

MOTION

Chairman Ketchum moved to continue the hearing to the November 15, 2025 meeting

Mr. Coleman seconded.

Vote: 4-0.

Motion carried; Case continued to the November 15, 2025 meeting approved.

Mary Ann & Henry E. Davidson, Jr., 37 Nons Rd, Map 5, Parcel W1-18, SE32-2604. Pier, ramp, and float with dredging. (*Continued from May 7th, 2025*)

Mr. Mark Burgess Owner- Shorefront Consulting, was present representing the homeowners.

Mr. Burgess stated that the hearing was continued due to concerns from neighbors about where the dock was initially located. Mr. Burgess explained the various location options and why the location as noted was chosen. He stated that he is going before the Waterways Committee on November 19, 2025 to discuss the new plan. He stated that at this Conservation meeting he is seeking a progress check and a review of the mitigation plan and will come back before the Conservation Commission On December 3, 2025.

He explained the details of the new dock relocation, the size of the dock, the boat size, the clearance between the boat and the deep-water channel, and the navigation pathway. He stated that the dredging volume has increased

from 65 yards to 99 yards and as that the Commission realize that the channel is 32 feet wide, not 50 feet wide. He stated that one of the regulations that the Waterways Committee is considering is that no dock should extend into a channel. He noted that the design of the dock does not decrease the usable width of the channel from what it is now.

Mr. Burgess spoke about the mitigation planting plan being done by Lindsay Strode of Cape Organics, and how the plan might meet the new location of the dock.

Ms. Usowski confirmed that the case will be heard by the Waterways Commission on November 19, 2025. She stated that she will withhold comment on navigation and let the Waterways Commission weigh in on that topic as they are advisory to the Conservation Commission.

Ms. Usowski stated that the area has good shellfish habitat and noted that the area is seeded with a mix of quahog and soft shells, and oysters southwest of this area. She noted that it will remain to be seen if the proposed project will have an adverse impact to that habitat and what is proposed for mitigation. Mr. Burgess answered that a dock located to west of this project is identical to this project and the follow-up shellfish survey for that property found the shellfish population more robust than when it was started. He stated that the second-year follow-up survey will be done soon and he expects the results to be similar to the first survey. He stated that a condition in the permit would be that the shellfish be relocated to the side before dredging begin and then placed back in.

Ms. Usowski stated that the planting plan by Lindsay Strode of Cape Organics is a great plan and would be an improvement. She stated she would be curious about what type of beach grasses Mr. Strode is considering.

It was noted that they received comment back from the Division of Marine Fisheries, but Mr. Burgess noted that they read the plan wrong.

Chairman Ketchum asked for comments from the Commissioners.

Mr. Coulson said that the plan looks good.

Chairman Ketchum expressed his concern that it is not about just one boat coming into and out of the channel, it is about numerous boats in the channel during the summer months. He agreed with Ms. Usowski that the Commission wait to hear the outcome of the Waterways Committee meeting.

There was a question about whether the regulations speak to navigation issues. Ms. Usowski stated that she will investigate this.

No Commissioner comments. No public comments.

MOTION

Mr. Coleman moved to continue the hearing to the December 3, 2025 meeting.

Mr. Coulson seconded.

Vote: 4-0.

Motion carried; Hearing approved to continue to the December 3, 2025 meeting.

Request for a Certificate of Compliance

Joseph and Kathleen Reis, 4 Eastern Avenue, Map 6, Parcel G3-8, SE32-2447. Demolition of existing single-family dwelling and construction of new single-family dwelling with associated mitigation plantings.

Mr. Reis, homeowner, was present.

Ms. Usowski stated that the work has been done in compliance with the permit and the plantings have roughly achieved the 90% survival rate. She noted that they are asking to leave the above ground drip irrigation in their native planting area to ensure survivability. She stated she is okay with this as it is an open, dry, exposed area so long as it remains just an above ground drip irrigation and doesn't become part of a permanent irrigation system. Ms. Usowski recommended approval with the ongoing condition of prohibiting fertilizers, herbicides, pesticides and allowing them to keep their above ground drip irrigation.

Mr. Reis thanked Ms. Usowski and the Conservation team for their help.

MOTION

Mr. Coulson moved to approve the Certificate of Compliance.

Ms. Cyr seconded.

Vote: 4-0.

Motion carried; Certificate of Compliance approved.

Alexandra A. Burrill & Jonathan T. Burrill, 116 Sisson Road, Map 30 Parcel G5-4, SE32-2507. Request for amended order of conditions with relocation of deck stairs, substitution of post-n-rail fence for chain link fence, addition of stone retaining wall, addition of patio, and mitigation plantings.

MOTION

Chairman Ketchum moved to approve the Certificate of Compliance with the stipulation that the work is done by May 15, 2026

Mr. Coulson seconded.

Vote: 4-0.

Motion carried; Certificate of Compliance approved.

Ms. Usowski asked that the Commission re-sign the order of Conditions for the Herring River Boat Ramp permit that was done a couple of years ago. The Commissioners signed.

Chairman Ketchum asked if the letter of support to the Board of Selectmen regarding the lots to be put under the Conservation Commission or Water Department was sent. Ms. Usowski stated she will check on this matter.

Minutes:

October 1, 2025 and October 15, 2025

MOTION

Chairman Ketchum moved to approve the minutes of October 1, 2025 with an edit.

Mr. Coulson seconded.

Vote: 4-0

Motion carried; Minutes of October 1, 2025 approved with an edit.

MOTION

Ms. Cyr moved to approve the minutes of October 15, 2025.

Mr. Coulson seconded.

Vote: 4-0.

Motion carried; Minutes of October 15, 2025 approved.

ANY OTHER BUSINESS WHICH MAY COME BEFORE THE COMMISSION

2026 Meeting Schedule

MOTION

Ms. Cyr moved to approve the 2026 Meeting Schedule.

Mr. Coulson seconded.

Vote: 4-0.

Motion carried; 2026 Conservation Commission meeting schedule approved.

Ms. Usowski stated that the Town of Chatham received a grant to allow them to pursue coastal resiliency bylaws and regulations and have offered to work on that with all four towns on Pleasant Bay. They would be model regulations and potentially a model bylaw and it is being looked at to adopt stricter flood plain bylaws going forward. She stated that a working group is being put together to work with all four towns on Cape Cod. She stated that she will send out a notice if one of the Commissioners would like to attend a meeting the first week of December.

Mr. Coulson asked about 481 Depot Road where excavation is being done 40 feet from the edge of a wetland. Ms. Usowski stated that it was determined that the bog is not a wetland and it was determined that it is not regulatable.

Chairman Ketchum stated he has seen a long string of buoys just east of the channel into Saquatucket and Wychmere harbors. Ms. Usowski said she would look into it.

Ms. Usowski stated that she will be issuing an emergency certification order at Saquatucket Harbor for the dredging of the sand that has accumulated underneath the accessible aluminum ramp to the Seal Cruise or the Freedom Ferry. She stated that the case will need to come back to the Conservation Commission with a Notice of Intent.

MOTION TO ADJOURN

Ms. Cyr moved to adjourn the meeting at 7:54 pm

Mr. Coleman seconded.

Vote: 4-0.

Motion carried; Meeting adjourned.

Attendees

Alexandra Powers

Jackson Belliman

Jeff Bellas

Jill Benelli

Jon Burrill

Lynne Hamlyn

Tom McIlisen

Mark Burgess

Respectfully submitted by Lisa Shaw