

**Hamilton Conservation Commission
Minutes of Meeting of June 11, 2014
Meeting held at Hamilton Town Hall**

Commissioners present:

Richard Luongo, Chair, Virginia Cookson, Bob Cronin, Peter Dana, George Tarr, Keith Glidden

Staff present:

Jim Hankin, Conservation Agent

Richard Luongo opened the meeting at 7:30 p.m.

Request for Determination

Beck's Pond

Install 2 Benthic Barriers as pilot project to control invasive vegetation

Heather Ensworth Applicant, local fee waiver request

Discussion ensued about invasive vegetation in Beck's Pond and its negative impact on life of pond. Applicant Heather Ensworth noted that consultant Michael Lennon had assessed what could be done about the fanwort invasive species. Discussion addressed request to install two Benthic mats 7' by 100' in the center of the pond to manage plant growth, and that they would be moved around in the pond from year to year. A company removes the mats in the winter and restores them in the pond the following year to block the plant growth below the mats in the 50-acre pond. The mats would be left in place from June until October to eradicate the fanwort which grows in 3' to 10' of water. Fanwort is a warm water plant that dies in the winter but comes back in the spring.

Ms. Ensworth described how Benthic mats were put in the swimming area at Chebacco Lake in the 1980s. Bob Cronin mentioned that two to three studies were done on the lake that cost the Town \$6,000 for each study and nothing was ever done with the results. Jim Hankin described basis for neighborhood association request for fee waiver since the great pond is an environmental benefit for the entire community.

Peter Dana moved to waive the fee. Virginia Cookson seconded the motion. The Commission voted unanimously in favor of the motion.

The Commission reviewed photos of Benthic Barrier material that is weighted to stay down on the land underwater. Ms. Ensworth is an abutter to the pond and she had notified other abutters to the pond about the Request for Determination. Discussion ensued about how the company responsible for putting the mats in the pond would investigate for any fish egg laying areas. Also mentioned was Sonar aquatic herbicide that contains fluridone and is used in Weaver Pond at Patton Park. Mr. Hankin mentioned that Mr. Lennon is an expert in the field and he had assisted Town with maintenance of Weaver Pond. Mr. Hankin described RDA process and how DEP makes a determination relative to whether or not this should advance to Notice of Intent process. He added that the work proposed is directly in the

resource area versus the buffer zone as defined by RDA. Mr. Tarr stated his opinion that the project would not be effective as the mats would only prevent growth as long as they were present on the lake floor and that the fanwort would begin to grow again immediately upon the mats removal.

Mr. Tarr's comments led to a general discussion that the Benthic Barrier is a temporary solution and would protect the natural environment while the neighborhood association has an opportunity to explore longer term solutions. Also addressed was how electric motor boats are allowed at Beck's Pond and when fanwort leaves are cut by propellers this fosters further plant growth. It was reiterated that carp eat fanwort but the state prohibits their introduction into Great Ponds. Mr. Dana indicated that he understood Mr. Tarr's position but did not want to prevent this neighborhood group from proceeding with a pilot project that might be of some benefit to the resource area.

Mr. Hankin then remarked that an argument could be made that that the proposed work does not require an NOI since it meets the terms of a limited project exemption, which Mr. Hankin admitted was a broad reading of the regulations. Ms. Ensworth agreed to send the Commission information about the success of the project. The RDA would be in place for three years. DEP will also make a determination about the project. Discussion addressed how a chemical solution could cost from \$20,000 to \$40,000.

Keith Glidden moved to issue a Negative Determination as Mr. Hankin suggested. Peter Dana seconded the motion. The Commission voted 5-1 with Mr. Tarr opposed.

Certificate of Compliance

90 Moulton Street

DEP file number 172-0560

Landscaping and pool project, COC request continued from fall 2013
to allow for vegetation growth

OOC Recorded at Book 32329 Page 325 dated 3/28/13

This COC request was continued from last fall due to the need for full establishment of vegetation in disturbed areas which are now stable. Mr. Hankin said it is now safe to remove erosion control and the resource area will be protected. After the COC is issued, the property owner will remove erosion control fence.

Ms. Cookson moved to issue the Certificate of Compliance for 90 Moulton Street. Mr. Tarr seconded the motion. The Commission voted unanimously in favor of the motion.

Enforcement Order

35 Miles River Road

Francis DiRico

Failure to comply with previous violation notices; alteration of pond and adjacent area
without review and approval by HCC

Mr. Hankin reported that the Town has not received return receipt card. Registry of Deeds and Assessors indicate that Mr. DiRico is the owner of record. Mr. Hankin had researched recording the Enforcement Order. The process involves creation of an affidavit from Mr. Hankin about the Enforcement Order being issued against this particular property and the EO

would be attached to the affidavit. Once it is on record anyone searching on the property title or having an interest in purchasing the property would be aware of the EO. The EO would be recorded with Registry of Deeds for \$75 from the Commission's budget.

Discussion addressed how another copy of EO could be sent to the property owner by both certified and regular mail, and the Conservation Agent would have Town Counsel Donna Brewer review the affidavit before it is recorded. Discussion was on an Order of Conditions on the property issued 7 to 8 years ago involving the prior property owner where Certificate of Compliance had issued. The OOC did impose several permanent conditions. A site plan related to the OOC showed pond and vegetation around the pond that is not the same now. There is no current Order of Conditions but there is a Violation Notice and an Enforcement Order.

The Chair, with unanimous consent from the Commission, directed Mr. Hankin to re-serve the EO by certified and regular mail on Mr. DiRico and to obtain an opinion from Town Counsel on documents related to recording the EO.

Discussion

Re-appoint Virginia Cookson as HCC representative to Chebacco Woods Land Management Committee

Mr. Dana moved to appoint Virginia Cookson as HCC representative to Chebacco Woods Land Management Committee. Mr. Glidden seconded the motion. The Commission voted 5-0-1 with Ms. Cookson abstaining.

Acceptance of minutes of May 28, 2014

Ms. Cookson moved that the Commission accept the May 28, 2014 minutes as written. Mr. Dana seconded the motion. The Commission voted unanimously in favor of the motion.

Proposed anaerobic digester at landfill

Discussion ensued about proposed anaerobic digester at Hamilton landfill. The Town did not receive a bid for the project. Town Manager Michael Lombardo contacted companies in this business that said the site is too small, and there is no connection to sewerage. A solar array may be located at the site, and a concrete pad that the Town paid for is at the 11-acre site.

The Commission's next meeting is on June 25, 2014. Bob Cronin moved to adjourn. Mr. Dana seconded the motion. The Commission voted unanimously in favor of the motion. Commission adjourned at 8:30 p.m.

Minutes submitted June 16, 2014 by Jane Dooley