

**Hamilton Conservation Commission  
Minutes of Meeting of October 21, 2015  
Meeting held at Hamilton Town Hall**

Commissioners present:

Richard Luongo, Chair, Virginia Cookson, Bob Cronin, George Tarr.

Staff present:

Jim Hankin, Conservation Agent

Others present:

Chris Currier, candidate for the Commission

Anne Gero

Chuck Johnson, septic designer

Dr. Celeste Bowler, HWRSO

Chris LaPointe, ECGA

Open Space Sub-Committee members Nancy Baker, Gretel Clark, Jackie Hodge Anne Gero, George Tarr (a Commissioner and an OSSC member).

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Richard Luongo opened the meeting at 7:00 p.m. and mentioned that the meeting was being recorded.

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**Notice of Intent** (Public Hearing to be continued to November 4, 2015 at request of Applicant)

470 Essex Street

Construct single family house, septic system and associated activity in No Build and No Disturb Zones

Virginia Cookson moved to continue the public hearing until November 4, 2015 at the Hamilton Senior Center. Bob Cronin seconded the motion. The Commission voted unanimously in favor of the motion.

**Request for Determination**

180 Asbury Street

Anne Gero Owner and Applicant

Tree removal in buffer zone

Discussion ensued about how Richard Luongo had authorized Conservation Agent Jim Hankin to allow one tree to be removed on the property.

Ms. Cookson moved to issue a Negative #3 Determination for removal of one tree at 180 Asbury Street. Mr. Cronin seconded the motion. The Commission voted unanimously in favor of the motion.

**Request to Amend Order of Conditions**

650 Asbury Street (Patton Estate)

DEP file number 172-0580

Place loam pile with erosion control in Riverfront Area

Alan Berry for applicant, CP Berry and Beals Association

Ms. Cookson moved to open the public hearing for 650 Asbury Street to amend the Order of Conditions. Mr. Cronin seconded the motion. The Commission voted unanimously in favor of the motion.

Discussion was with Alan Berry about request to allow for temporary storage of a loam pile with erosion control over existing stump dump at the back portion of the Patton property. It is outside of the 100' buffer zone and is in the 200' Riverfront area. After loam storage is completed, the area will be restored back to a grassy area using open field grass seed in the area where there are currently many sink holes.

Ms. Cookson moved to close the public hearing for 650 Asbury Street, DEP file number (172-0580). George Tarr seconded the motion. The Commission voted unanimously in favor of the motion.

Mr. Cronin moved to amend the Order of Conditions to allow the temporary loam pile as shown on the plan appended to the October 8, 2015 letter from the applicant. Mr. Tarr seconded the motion. The Commission voted unanimously in favor of the motion.

### **Request for Determination**

43 Postgate Road

William A & Lillian P Harper Appl., Chuck Johnson Rep

Install Title V compliant septic system

Discussion was on proposal to upgrade septic system and wetland line was delineated by Bill Manuell (25' No Disturb Zone, 50' No Build Zone, 100' buffer zone). The existing gravity septic system has a couple of leaching pits. Soil tests have been conducted with proposal for septic tank and leaching field outside of 50' No Build Zone (construction equipment will come through this area). Straw waddles will be installed on the site according to the plan.

Mr. Hankin had inspected the site and noted the wetland was delineated accurately and test pits are accurately represented on the septic system plan. Discussion was on best location for the septic system on the site in compliance with Title 5.

Ms. Cookson moved to issue a Negative Determination for an upgraded septic system at 43 Postgate Road. Mr. Tarr seconded the motion. The Commission voted unanimously in favor of the motion.

### **Discussion**

#### **2015-2016 HWRSD and Audubon Education Proposal**

Discussion ensued with Dr. Celeste Bowler regarding the proposal for \$3,634.75 of supplemental support to the 2015-2016 HWRSD and Audubon Education which is \$1,812.90 less than last year because as of now there is no 5<sup>th</sup> grade program planned. It was noted that Wenham did not contribute to the support of the program last year (student fees paid for that share of the program). Dr. Bowler will email Wenham to see if they will offer support for this year's program. The Commission appropriates the money from the Conservation Fund which

is annually supplemented by the interest generated by the Clark Fund. The Commission will vote on this at its next meeting.

### **Chris LaPointe, Essex County Greenbelt Association (ECGA), Sagamore Hill project**

Discussion ensued on Sagamore Hill project (acquire 340 acres spanning Hamilton and Essex with Trust for Public Land (TPL) from Donovan Family Conservation LLC and Essex Realty Trust – 290 acres outright and 50 acre conservation easement for aggregate \$5.1 million). Funding sources include: \$1.5 million ECGA fundraising campaign where 1/3 of funds have been raised, \$250,000 from the Commonwealth's Department of Conservation and Recreation (DCR), \$2 million Landscape Partnership Grant application (185 acres of donated easements for 525 acres including the 340 acres), \$1.75 million CPA funds from Town of Hamilton (unanimous support from CPC - \$500,000 from CPA reserves and borrowing \$1.25 million over 15 years with debt service paid with future CPA revenues, 80% of CPA funds will be left for other projects), and \$100,000 ask from Essex. The funding sources exceed the purchase price of the property (\$5.6 million) and if this occurs Hamilton's funding number will decrease. The Board of Selectmen and Finance Committee recommend favorable action on the project. Planning Board is meeting one more time to discuss funding for the project.

Discussion was on timing of overall project where TPL that holds contract with land owner has to have funding commitments in place by end of calendar year. TPL would buy and hold the property for a period of time with conservation restriction closing in June or July depending on which fiscal year the state money is funded. This provides time to negotiate and draft three Conservation Restrictions (CR) in Hamilton, going through state review process, get sign-off from BOS and Conservation Commission. There will be 9,200 acres of conservation land connected to one another.

Hamilton will receive, for its \$1.75 million, a CR over 170 acres in Town acting through its Conservation Commission. This will be permanent protection of the property and a real estate interest for the Town. ECGA will manage and maintain the property as well as be responsible for liability. Greenbelt will own all of the land and two parcels in Essex, while current property owner John Donovan will retain a right to build one house in Essex. Hamilton has not historically held CRs. DCR would like to be a co-holder of the CR with the Town. Majority of trail maintenance and signage would be allowed in the CR. Scale of activity (i.e., building a road or installing bathrooms which are not proposed) would require approval of the CR holders. Discussion ensued about what would occur if the Town as holder of the CR under the Commission would be asked to permit any activity in the wetlands by Greenbelt.

Ms. Cookson moved that the Hamilton Conservation Commission formally approve the acquisition of a CR for the proposed land project off of Sagamore Street that includes Mr. Donovan's property and surrounding properties, known as the Sagamore Hill project. Mr. Cronin seconded the motion. The Commission voted unanimously in favor of the motion.

## **OSSC and Sagamore Hill Statement**

Discussion ensued about Open Space Sub-Committee statements being reviewed by the Commission before being distributed to other Town boards. The Commission questioned process the Sub-Committee chose when it distributed the Sub-Committee's statement on Sagamore Hill project before it was reviewed and approved by the Commission. Response from Sub-Committee members was timing of other Town boards voting on the matter relative to the Commission's meeting schedule and Open Meeting Law, and the Sub-Committee's advocacy role required quick action. Chairman Luongo stated that this should not be the model for the future and that the Commission should review statements from Sub-Committee before anything is dispersed.

Discussion was on how the Sub-Committee wants a handout for Special Town Meeting stating the Sub-Committee's support of the Sagamore Hill project and it should be reviewed and approved by the Commission before November 7 STM (at its November 4 meeting). Also addressed was whether or not the concept of a free standing Open Space Committee should be brought before Town Meeting as a possible change in government.

Discussion was on the Sub-Committee's interest in defining its mission and changing roles which it characterized as doing right by the community on open space. There was suggestion that moving forward Mr. Hankin should be notified of any statements from the Sub-Committee before they are distributed, and Mr. Hankin would refer them to Mr. Luongo and the full Commission if that was necessary. Mr. Hankin recommended if another situation comes up where the Commission is not going to meet for example in 10 days he would be contacted to make a decision independently, in concert with the Chair, or before the Commission depending upon the importance of the matter. This process would apply to the development of the STM handout. Mr. Hankin noted that the Commission is supportive of the Sub-Committee's work and of their statement on Sagamore Hill project.

### **Certificate of Compliance**

24 Woodbury Street

DEP#172-0574, driveway reconfiguration in buffer zone

Recorded Book 33731 page 483

Mr. Hankin had inspected the site where the driveway was reconfigured and housing improvement done, erosion control (straw waddles) was in place and working, a pitch and catch device will be removed from buffer zone. He stated that the work done was in compliance with Order of Conditions and recommended the Certificate of Compliance be issued.

Ms. Cookson moved that the Commission issue a Certificate of Compliance for work that occurred at 24 Woodbury Street, DEP#172-0574, driveway reconfiguration in buffer zone. Mr. Tarr seconded the motion. The Commission voted unanimously in favor of the motion.

## **Vote Minutes for September 9, and September 23, 2015**

Mr. Cronin moved to approve the minutes of September 9 and September 23, 2015. Ms. Cookson seconded the motion. The Commission voted unanimously in favor of the motion.

### **Discussion**

The Conservation Agent will prepare a financial report on funding sources from Town Meeting appropriations, Conservation Fund, and state wetlands fund. Other financial information to be provided includes how the Commission can find money to put in the Conservation Fund.

Discussion with Chris Currier, candidate for the Commission, was on how the Commission holds two meetings a month (second and fourth) that last from 1 to 2 hours, and one site walk a month on Saturday mornings. He was invited to site walk on October 31 if any items are added. The terms are usually for three years but there are unexpired terms to complete. Mr. Currier was notified that the Commission would recommend to the Board of Selectman his appointment to the Commission. Mr. Hankin will provide the application for the position to Mr. Currier.

Bob Cronin moved to adjourn. Mr. Tarr seconded the motion. The Commission voted unanimously in favor of the motion. Commission adjourned at 8:33 p.m.

Minutes submitted October 30, 2015 by Jane Dooley