

**Hamilton Conservation Commission  
Minutes of Meeting of May 14, 2014  
Meeting held at Hamilton Town Hall**

Commissioners present:

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

Staff present:

Jim Hankin, Conservation Agent

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

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**Notice of Intent**

16 Chebacco Road

Install septic system, grading within 50' EOW, system components greater than 50'

Richard Sommers Applicant, Morin-Cameron Group representative John Morin present.

Richard Luongo opened the public hearing. John Morin reviewed the site walk from this past Saturday and noted discussion about additional erosion control. Mr. Morin presented an amended plan showing erosion control for tree work area. He referred to replacement of sanitary disposal system at the property and replacement of existing hemlocks along Chebacco Road that are dead or dying.

Discussion ensued the northwest side of house where there is ledge outcropping that is not a viable location for septic system. The existing system is located in the front yard and existing septic tank will be abandoned. A new septic tank will have a pump chamber pumping to leach field. The force main will be in the gravel drive and excavation will occur in the 25' No Disturb Zone. Erosion control would be located 13' from wetland to allow access in and out of the property. After the force main is installed backfilling will occur. All existing ground cover will be reverted back to lawn.

The proposed setback from wetland resource area to leaching facility is 60'. The septic system design has been approved by the Board of Health. In regard to the hemlock replacement, Mike DeRosa wrote a letter to the Commission about a proposal to replace the hemlocks with white native cedars. The Commission has requested that additional erosion control be placed on side where the trees are located since proposal is to remove hemlock stumps and do additional plantings which were shown in amended plan. The proposed work has a DEP file number but the agency had no comments.

Bob Cronin moved to close the public hearing. Stacy Carpenter seconded the motion. The Commission voted unanimously in favor of the motion.

Ms. Carpenter moved to issue the Order of Conditions for 16 Chebacco Road. Keith Glidden (who arrived after public hearing started) seconded the motion. The Commission voted unanimously in favor of the motion. Peter Dana arrived at the meeting at 7:36 p.m.

### **Request for Determination**

49 Miles River Road

Jay Horgen Applicant, Tobin Shulman of Siemasko & Verbridge representing the applicant were both present at meeting.

Demolish 2 structures and a pool, replace with plantings.

Tobin Shulman mentioned site walk where buildings in question were observed and noted survey done prior to subdivision that shows wetlands and buffer zones. He described how deteriorating stable and barn that would be demolished are within the 25' No Disturb Zone and they will be replaced with natural plantings and grasses. He noted that this would be done without a full Notice of Intent since impervious area is being taken away and replaced with plantings.

Mr. Shulman said there is no foundation under the stable but a slab is located underneath the barn. He added that there may not be need to excavate far beyond the limits of the buildings that are failing. The slab would be broken into pieces to remove. Discussion ensued about likelihood of stone piers under the slab that would remain at the site.

Discussion ensued about existing plantings at the property consisting of pasture species that would be replaced in kind. At the edge of the BVW would be meadow. Jim Hankin asked that the planting list be submitted as part of the plan to be filed as part of the record. Discussion addressed need for erosion control (filter sock) around planned work at barn on wetland line. Virginia Cookson joined the meeting at 7:42 p.m.

Mr. Glidden moved to issue a Negative Determination with the conditions of a filter sock installed and Conservation Coordinator inspecting erosion controls before work starts and that planting list be provided (i.e., New England wetland plants) to Mr. Hankin. Ms. Cookson seconded the motion. The Commission voted unanimously in favor of the motion.

### **Acceptance of minutes of April 16 and 30, 2014**

Mr. Glidden moved that the Commission accept the April 16, 2014 minutes as written. Mr. Dana seconded the motion. The Commission voted 5-0-1 in favor with Ms. Carpenter abstaining since she did not attend.

Mr. Glidden moved that the Commission accept the April 30, 2014 minutes as written. Mr. Dana seconded the motion. The Commission voted 5-0-1 in favor with Ms. Carpenter abstaining since she did not attend.

### **Discussion**

Mr. Hankin will provide the Commission with a brief memorandum on agricultural and forestry regulations relative to the Commission's upcoming discussion on May 28 with 1 Surrey Lane property owner.

Also, Mr. Hankin updated the Commission on 35 Miles River Road where site walk was conducted last Saturday and the Commission had ordered work to be done that had not occurred. In addition, the pond looks to have been increased in size and moved closer to

structure with vegetation cut down as compared to tree line shown on an old plan. Mr. Hankin noted that the Commission had issued a Violation Notice to property owner Mr. Dirico about plantings to be done and a no cut zone. He suggested the Commission issue an Enforcement Order that gets copied to DEP, ordering Mr. Dirico to put in the plants and do the work ordered by date certain perhaps as soon as the June site walk and for Mr. Dirico to attend an HCC meeting and discuss the pond issue and what occurred on his property.

The Commission has a detailed list of what Mr. Dirico was supposed to do from the Violation Notice issued two years ago which would be repeated in the Enforcement Order as the work that the Commission wants done in time for the Commission's June 7 site walk. Discussion ensued about if there were any special conditions (i.e., prohibition on mowing) that were in perpetuity. Mr. Hankin will research in file. Also mentioned was if the Commission could order a filing of a Notice of Intent. Discussion addressed if an after-the-fact NOI was filed for restoration and mitigation it could match Enforcement Order. The Commission could fine under the by-law per violation up to \$300. If an Enforcement Order is issued then DEP could fine the property owner. The Commission signed the Enforcement Order that will be issued by Mr. Hankin. Also mentioned was that property owner would be invited to May 28 meeting to discuss the Enforcement Order.

The Commission's next meeting is on May 28, 2014. Bob Cronin moved to adjourn. Mr. Dana seconded the motion. The Commission voted unanimously in favor of the motion. Commission adjourned at 8:06 p.m.

Minutes submitted May 20, 2014 by Jane Dooley