

**Hamilton Conservation Commission
Minutes of Meeting of January 27, 2010
Meeting held at Hamilton Town Hall
Administrator's Office**

Commissioners present when meeting convened at 7:32 p.m.:
Nancy Baker (co-chair), Robert Cronin, Peter Dana, Richard Luongo

Staff present: Jim Hankin, Conservation Coordinator

The Commission is scheduled to meet on Wed. Feb. 10, and Feb. 24, 2010 at 7:30 p.m. at Town Hall. Site walk is scheduled for Saturday, Feb. 6, 2010.

Nancy Baker opened the meeting at 7:33 p.m.

Richard Luongo made a motion for the Commission to accept the minutes of Jan. 13, 2010 as presented. Robert Cronin seconded the motion. VOTE: Unanimous.

Conservation Coordinator Jim Hankin distributed to commissioners copies of a Notice of Intent (NOI) to rebuild a house on Lake Ave., on a slope to Pleasant Pond, that was destroyed by fire in summer 2009. He said a site visit was scheduled for Feb. 6 and the NOI would be on the agenda of the Commission's Feb. 10 meeting.

Commissioners discussed whether to change the regulations pursuant to the Hamilton Conservation By Law in order to codify the Commission's authority to compel applicants to pay the fees for consultants hired by the Commission to review applications, and if so, how to structure and phrase such a regulation. Mr. Hankin explained that Massachusetts General Laws Chapter 44 §53G authorizes local commissions to institute such regulations, but each town must independently adopt one. In response to Peter Dana's question, Mr. Hankin said that Manchester, Topsfield, Boxford, Beverly, and Wenham have enacted such regulations; Essex and Ipswich have not. Some of these towns adopted verbatim a model regulation circulated by the Massachusetts Association of Conservation Commissions (MACC), a copy of which Mr. Hankin circulated to commissioners prior to this meeting. Other towns, including Wenham, enacted a modified version.

Mr. Hankin noted that the Commission hires its own consultants only rarely, and when it does, it is typically regarding big projects. He gave as an example the anticipated proposal to construct senior housing on the site of Canterbrook Farm at Asbury St. and Highland St., a proposal he said may be submitted in 2010. He said large projects typically are put forward by development firms that have funds for development costs.

Mr. Hankin and commissioners discussed the MACC draft regulation. Virginia Cookson joined the meeting during this discussion.

Ms. Baker raised several concerns about the timeline for applicants to provide funds, or to appeal the Commission's selection of a consultant; she suggested these passages should consistently refer to business days, to make the timeline clear. She said the last sentence of the section of the draft about appeals was unclear. She said the draft does not make it address what recourse an applicant

would have, nor whether the regulation would apply to enforcement cases as well as to filings initiated by an applicant.

Mr. Hankin said Hamilton's Town Counsel has suggested the Commission use the MACC model By Law. He suggested the Commission change the language of the model version to modify it per the concerns noted above, post the document, and schedule a public hearing on the proposed regulation. He volunteered to "clean up" the language of the draft and present the revised version for commissioners to consider at the Feb. 10 meeting. He said he would ask the Town Counsel about the issue of enforcement of such a regulation.

Commissioners briefly discussed upcoming MACC workshops. Mr. Hankin noted that the registration fee, which commissioners may need to pay themselves this year, is \$95, not \$105 as he had previously thought. Most commissioners said they already had registered and paid for the workshop.

Mr. Luongo made a motion for the Commission to adjourn at 7:59 p.m. Mr. Cronin seconded the motion. VOTE: Unanimous.

Minutes submitted Feb. 1, 2009 by Ann Sierks Smith