

**Hamilton Conservation Commission  
Minutes of Meeting of July 15, 2009  
Meeting held at Hamilton Town Hall**

Commissioners present when meeting convened at 7:30 p.m.:

Nancy Baker (co-chair), Robert Cronin, Peter Dana, Sarah Getchell (co-chair),  
Camilla Rich

Staff present:

Jim Hankin, Conservation Coordinator

The Commission is scheduled to meet on Wednesdays July 29 and Aug. 12, 2009 at 7:30 pm. at Hamilton Town Hall. Site walk is scheduled for Sat. Aug. 8, 2009.

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Sarah Getchell opened the meeting at 7:30 p.m.

Conservation Coordinator Jim Hankin reported that Associate Commissioner Mark Carleo has expressed interest in the vacant seat on the Commission; Mr. Hankin said he does not know whether Mr. Carleo has written to the Board of Selectmen about this. Mr. Hankin noted that prior to this meeting commissioners received a 2¼-page revised version of the Commission's 2008 Annual Report.

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Abbreviated Notice of Resource Area Delineation

(Public Hearing to be continued to July 29, 2009)

315 Sagamore Street

Three Fifteen Sagamore Realty Trust, applicant; Seekamp Environmental, representative  
Review Hamilton Conservation Commission consultant report on ANRAD

Conservation Coordinator Jim Hankin told Commissioners the consultant engaged by the Commission to perform an independent review of the wetland line mapped by the applicant's consultant has not yet delivered a report. He said he expects it one week from the date of this meeting, and will forward it to commissioners upon receiving it.

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Certificate of Compliance

30 Tally Ho Road

Gregory McKenna, owner and applicant

Septic system and installation

DEP file number 172-0469

Order of Conditions recorded at Book 24548, page 226, 7/12/2005

Conservation Coordinator Jim Hankin showed commissioners a site plan of 30 Tally Ho Rd. The owner did not attend this meeting. Mr. Hankin recapped the details of the project. In 2005 the Commission granted an Order of Conditions (OOC) for additions to an existing house, and for installation of a new septic system in the front yard. The pre-existing lawn at the back of the house extended to a 5' high stone retaining wall, with wetlands immediately beyond the wall. The addition at the back of the house brought the structure to the line marking the boundary of the no-

build zone 50' from wetlands. Mr. Hankin said he visited the site 2 days prior to this meeting and found the additions were built just as indicated on the site plan. He said no new lawn area was created, and he observed no new disturbance of wetlands. He recommended approval of a Certificate of Compliance (COC).

Peter Dana asked whether roof drainage systems stipulated in the OOC were built. Mr. Hankin noted the site plan shows four infiltration chambers for 4 roof gutters; he said they definitely were installed.

Camilla Rich made a motion for the Commission to grant a Certificate of Compliance. Robert Cronin seconded the motion. VOTE: Unanimous.

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#### Certificate of Compliance

Appleton Farms off Cutler Road

Trustees of Reservations, applicant; Wayne Castonguay for the Trustees

Construct new trail

DEP File number 172-0511

Order of Conditions recorded at Book 27442, page 424, 1/7/2008

Sarah Getchell and Conservation Coordinator Jim Hankin described the new pedestrian trail off Cutler Rd., which Ms. Getchell said she walked recently when the Trustees of Reservations opened it to the public. Mr. Hankin reminded commissioners that the Trustees initially asked him to authorize this trail work without an official filing, under the terms of an approved trail maintenance plan; however, Mr. Hankin judged that the maintenance plan did not apply to this proposal because new sections of trail were to be created. Commissioners walked the site in 2008, and later approved an Order of Conditions for the work.

Virginia Cookson joined the meeting at 8:38 p.m.

Mr. Hankin said he inspected the site two days prior to this meeting and found that the trail work caused very little disturbance. He described the trail as a 6' wide walking area. He said the boardwalk across wetlands that constitutes a section of the trail is very well-footed and secure.

Camilla Rich made a motion for the Commission to grant a Certificate of Compliance. Ms. Cookson seconded the motion. VOTE: Unanimous.

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#### Discussion

Sarah Getchell said she missed the July site walk, so she visited 315 Sagamore St. on the following day. Commissioners and Conservation Coordinator Jim Hankin briefly discussed the landowner's intention for the property. Mr. Hankin said he understands the owner plans to sell the parcel as four lots, based on the wetland line. Ms. Getchell reported the house that previously stood on the property is gone; Mr. Hankin said the applicant's representative stated the applicant wished to take it down for tax reasons.

Mr. Hankin recapped information gathered at the July 11 site visit to Asbury Grove, following issuance of a Violation Notice for unauthorized digging within 100' of wetlands, to create a drainage control trench around the Tabernacle. Mr. Hankin said storm-water moves downgrade to

that building and, in heavy rain, sometimes floods it. He said the Grove has hired Chuck Johnson to design an interim solution, which Mr. Johnson is to present to the Commission at its July 29 meeting, in order to have a partial drainage control apparatus in place prior to an important Asbury Grove event at the Tabernacle in early August. Later, Mr. Johnson is to design a more permanent solution to drainage problems. Mr. Hankin said Mr. Johnson has documented wetlands in the area.

Nancy Baker noted that some very large trees stand near the site. Mr. Hankin said Mr. Johnson would map trees on the site plan he will present.

Robert Cronin passed around a photocopy of an Asbury Grove newsletter containing a paragraph that states that anyone who contributed to the work stoppage of the trenching work is “in cahoots with the devil.”

Commissioners and Mr. Hankin discussed the 2008 annual report. Mr. Hankin said the current version corrects some errors that commissioners pointed out in an earlier draft, and also includes additional information at Selectmen Jennifer Scuteri’s request. He said one of her requests was for more data about the Open Space Committee, but that he was uncertain just what she wanted, and may need to further edit the fairly general information he inserted. He said he compiled figures on fees collected based on his records. He noted that the \$745 collected in 2008 in fees under the Wetland Protection Act is lower than the usual \$1500 to \$2000 in WPA fees; he said filings are slowing down. Peter Dana suggested Mr. Hankin add information about inquiries and site visits he handles that do not result in a formal filing, to show the full scope of his work.

Ms. Cookson asked other commissioners whether they would like to invite John Hamilton to become an associate member of the Commission. After brief discussion, commissioners decided not to do so at this time. Mr. Hankin noted that Mr. Hamilton may wish to represent legal clients before the Commission, but may not be able to do so if he were to become an associate member. He said if Mr. Hamilton does practice before the Commission, he could not represent clients regarding any cases on which he sat for one year prior to leaving the Commission at the end of his term.

Ms. Baker requested a correction to the draft minutes of the meeting of June 24, which incorrectly stated that hardship is a condition for a variance of state wetland regulations. Mr. Hankin said he would make the change.

Mr. Hankin reported he would meet on the day following this meeting with Michael Minogue of Veranda Circle regarding an unresolved Enforcement Order which Mr. Hankin referred to the state Department of Environmental Protection (DEP). Following DEP’s receipt of the case file, a DEP official contacted Mr. Minogue’s lawyer. The DEP official then contacted Mr. Hankin. Mr. Hankin said Mr. Minogue has stated he wants to proceed with restoration planting as specified in a plan approved by the Commission in 2005. Commissioners and Mr. Hankin briefly discussed Mr. Minogue’s past positions on this; Mr. Hankin said Mr. Minogue has in the past maintained that conditions have changed to an extent that makes it impossible for the previously-approved planting plan to succeed. Those present also briefly discussed a trail that crosses the Minogues’ land; in the past it was open for public use, but the Minogues do not permit this. Mr. Hankin said a trail easement is specified on the Minogues’ deed, but the prior owner of the property never granted the easement to an agency. Mr. Hankin said Mr. Minogue has expressed a number of times that he views the Enforcement Order to be part of an effort to harass him. Mr. Hankin said this apparently stems from several projects undertaken by the Essex County Trails Association on

Mr. Minogue's land that happened to coincide with the Commission's site visits and issuance of the Enforcement Order.

Commissioners briefly discussed what steps an individual should take to express interest in the open seat on the Commission. Mr. Hankin said interested individuals should come to one or more Commission meetings to learn what the Commission does. The next step is to write to the Board of Selectmen to express interest. Ms. Cookson said a chair of the Commission, or another member, usually attends a Selectmen's meeting along with the nominee, to introduce him or her to the selectmen.

Commissioners briefly discussed a recently released report by the state Department of Revenue about the potential financial advantages of regionalization or merger of Hamilton and Wenham's municipal governments.

Ms. Rich made a motion for the Commission to adjourn at 8:18 p.m. Sarah Getchell seconded the motion. Commissioners approved the motion by general consent.

Minutes submitted 7/15/09 by Ann Sierks Smith