

**Hamilton Conservation Commission  
Minutes of Meeting of Sept. 12, 2012  
Meeting held at Hamilton Town Hall**

Commissioners present:

Robert Cronin, Keith Glidden, Richard Luongo (chair), George Tarr

Staff present:

Jim Hankin, Conservation Coordinator

Others present for a portion of the meeting:

Carol & John Pruellage of 6 Don Byrne Way

The Commission is scheduled to meet at 7:30 p.m. on Sept. 26, Oct. 3 and Oct. 17, 2012 at Hamilton Town Hall. Site walks are scheduled for Sat. Sept. 29, 2012.

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Richard Luongo opened the meeting at 7:30 p.m. Conservation Coordinator Jim Hankin noted that prior to this meeting, commissioners received copies of a 1-page narrative from the owners of 6 Don Byrne Way, and a 1-page letter from the Neve-Morin Group regarding work performed at 14 Red Coach Road.

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Request to Modify Order of Conditions, DEP file #172-0536

6 Don Byrne Way

Carol & John Pruellage, owners

Extend previously approved retaining wall in associated upland resource area (AURA) approximately 30', but no closer to edge of wetland (EOW)

Conservation Coordinator Jim Hankin related the history of this project. Prior owners were granted an Order of Conditions to create a wall in their backyard between the lawn and wetlands. They sold the property without doing the permitted work, passing along the permit and plans for the wall to the new owners. The new owners want to extend the wall at one side of the property, which would not bring it closer to wetlands than already authorized.

Carol and John Pruellage showed commissioners a site plan and pointed out the original design for a wall arcing across the backyard across a steep slope to wetlands, and the revised design that would leave the curve in place at one side of the yard but extend the wall 25' to 30' straight across the backyard in order to add usable lawn area. One crabapple tree and invasives including scrub rose would be removed from the AURA that they want to convert to lawn. Other details would not change.

Keith Glidden made a motion for the Commission to grant the modification to the OOC as requested. Robert Cronin seconded the motion. VOTE: Unanimous.

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Request for Determination of Applicability

41 Forest Street

Donna Lebreque, applicant; D.B. Johnson, designer

Install Title V compliant septic system, 53' from edge of wetlands (EOW)

Mr. Hankin provided details of this project; the applicant was not present. The septic system at 41 Forest St. has failed. The owner proposes a new system closer to the road, to one side and in front of the small house. Mr. Hankin noted that wetlands are close to the back of the house, and said the proposed location is the best possible on this parcel. The leaching field would come within 53' of EOW, which is a greater distance than the existing system.

Mr. Cronin asked whether a barrier is part of the design; Mr. Hankin said the plan shows none, and noted those are usually part of a septic design required under Title V when septic construction comes close to a property line, which is not the case in this instance. Mr. Glidden asked whether Mr. Hankin observed any material dumped in wetlands; he replied there was a small amount of grass and clippings that he would note in his letter.

Mr. Cronin made a motion for the Commission to grant a negative determination. Mr. Glidden seconded the motion. VOTE: Unanimous.

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Request for Certificate of Compliance

14 Red Coach Road

DEP File #172-0512, issued December 17, 2007, recorded Book 27427 page 0512

Mr. Hankin provided details and showed commissioners photos he took at the property; the applicant was not present. He said addition constructed at the back of the house in 2007 is in compliance with the Order of Conditions. He referred commissioners to a letter from the owner's engineers noting three variations from the OOC. He observed that a swing set was installed close to wetlands, but outside the no disturb zone line 25' from wetlands; the area around it has a permeable surface.

Mr. Glidden made a motion for the Commission to grant a Certificate of Compliance. Mr. Cronin seconded the motion. VOTE: Unanimous.

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Commissioners and Mr. Hankin briefly discussed the recent spraying of pesticide to kill mosquitoes due to documentation of EEE carrying mosquitoes in some areas of Hamilton. He noted that the spraying is exempted from wetland regulations under both the Wetland Protection Act and the Hamilton Conservation By Law.

Mr. Glidden suggested discussion at the next meeting of extensions, continuances, and waivers, due to a recent court case about another conservation commission's action on such matters.

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

Minutes submitted Sept. 17, 2012 by Ann Sierks Smith