

HAMILTON CONSERVATION COMMISSION
MINUTES OF MEETING
September 13, 2017
Meeting at the Memorial Building

Members Present: Virginia Cookson, Bob Cronin, Richard Luongo (Chairman), and George Tarr.

Coordinator: Jim Hankin

This meeting was called to order at 7:00 pm with a quorum established.

Notice of Intent Public Hearing continued from August 16, 2017 for Essex County Greenbelt Association for a lot adjacent to the Ipswich River (Foote Brothers Dam Project)

Jim Hankin announced that DEP had given a file number but not a comment.

Virginia Cookson made motion to close the public hearing.

Seconded by George Tarr.

Vote: Unanimous in favor.

Motion made by Virginia Cookson to issue an Order of Conditions referencing the plan submitted to the Conservation Commission for the project and include the usual special conditions through the Town as well as those through the State.

Seconded by George Tarr.

Vote: Unanimous in favor.

Request for Determination. 39 Postgate Road.

Dan Johnson presented the RDA. Mr. Johnson said a failing cesspool was being replaced with a new septic system. The soil test indicated good gravel conditions. The leaching area was 79' to the edge of the wetland. According to Mr. Johnson, some upland trees would need to be removed to construct the septic outside the 100' buffer zone and so it was thought best to construct it at 79' from wetlands. Groundwater is 10 to 12' below grade. Jim Hankin distributed photos showing the project work area as entirely lawn.

Virginia Cookson made a motion to issue a negative determination under the State Wetlands Protection Act and the Town By-law Chapter 17 and include conditions that followed the plan shown to the Commission. Erosion control is shown on the plan.

Seconded by George Tarr.

Vote: Unanimous in favor.

Discussion

Patton Ridge Homeowners request to do mowing on the Open Space

Mark O'Hara, (CP Barry Homes) spoke as a representative for the Homeowners' Association. Mr. O'Hara requested that the Town consider mowing the two fields out front of the two sides of the entryway. Mr. O'Hara showed photos of the area. The photos indicated the presence of goldenrod, ragweed, and invasive species. The Association seeks to have the Commission's Open Space land preserved as a vista on a scenic roadway. The Association was concerned with the current appearance of it in that context and wanted the Town to mow it.

Craig Walker (7 Patton Ridge) wanted the area mowed for safety from ticks as well as to create continuity in appearance. Mr. Walker said mowing would be consistent with current Ridge conditions.

Richard Luongo said the Conservation Commission's role was to maintain the environment, not necessarily mow fields or lawns, adding that the tick population was high everywhere in Hamilton. George Tarr said he personally didn't mow anything and didn't have a tick problem and thought the photos of the current condition made it look better than originally existed.

The Town voted to give the Conservation Commission authority over the 9.1 acres, according to Jim Hankin, which did not expressly include directions on how to maintain the fields. The Commission has authority to preserve the 9.1 acres for open space and passive recreation purposes. This command is not specifically addressed to aesthetics. The Town currently mowed up to the property line of the 9.1 acres from the Patton Homestead.

Mr. Hankin continued by stating that the Commission issued a Certificate of Compliance as part of their wetlands review of the development of the condos. They have also observed site conditions on the 9.1 acres and land under their jurisdiction in that area over the past two years. In 2016, the Commission was concerned that owners understood that their condo unit lawn areas were close to the 9.1 acre line and the Commission decided to let the 9.1 acres grow in an effort to create a clear definition as to where the homeowners could mow and where the Commission's land existed.

Virginia Cookson said the field perhaps could be mowed so as to prevent the land from becoming woodlands. Ms. Cookson suggested mowing the field at the end of the season as mowing it all the time would prohibit bird nesting. To allow it to be mowed to keep it low and pretty would not do anything for the property, but would subtract from it in her view. The budget for the cost of mowing would need to be determined. Jim Hankin suggested continuing the discussion on mowing to the next meeting.

Ms. Galley (9 Patton Ridge) noted a large field available for bird nesting but wanted to keep the entrance consistent with those that were seen along Asbury St. Virginia Cookson was aware of

the field behind the condos and recalled it was not left in good condition as it had debris and ruts. These areas had been addressed during the Certificate of Compliance process. Ms. Galley said that area could be left as a bird sanctuary.

An abutter said the field in front was an ideal habitat for red winged blackbirds, but that he hadn't seen any. While the abutter suggested mowing the area for hay, Richard Luongo said the area would need to be torn up and planted with special grasses then mowed several times a year to get usable hay.

Richard Luongo said the Commission does not have a budget to maintain anything in the area that they had control over including wetlands or open space land. DPW is the agency in Town that maintains public land. Mr. Luongo said there was no precedent for maintaining Open Space land as lawn. If the area is left alone, there would be shrubs then trees just like surrounding area. Virginia Cookson said that this was the first lot of land that the Commission had been given charge of and responsibility for and they were still considering how to manage the property for passive recreation.

An abutter wanted the Commission to consider that Patton Ridge was the second highest paying taxpayer in town and did not get much back in return for their taxes. Shawn Farrell said a petition for funding mowing on the 9.1 acres could be presented to the Board of Selectmen or Town Manager if the Commission approved the project in general. .

Gene Alley (11 Patton Ridge) said the Patton Estate was mowed by the Town, so a smaller additional area could be added. Virginia Cookson and Richard Luongo noted a budget exists for the Homestead as Town property.

George Tarr suggested inviting the Open Space Committee for the future discussion. The matter will be continued to the September 27 Commission meeting.

Other Business

George Tarr reported that the Open Space Committee (OSC) was concerned with three proposed By-laws. Work on the Open Space and Recreation Plan had been put on hold. One of the By-law changes included a light pollution or dark skies By-law. There had been debate as to whether the OSC should be concerned with the topic. Mr. Tarr indicated that OSC considered star watching as recreation and so the subject could be marginally considered part of their interest.

The second By-law concerns a Scenic Road proposal. OSC thought there should be a By-law to go along with the list of scenic roadways. Richard Boroff referred to the MGL that currently applies. Jim Hankin stated that the Commission needed to have legal authority to regulate any specific area, but lighting is likely among those areas. Mr. Boroff said the Planning Board had

purview over lighting in the Site Plan Review permitting process. Richard Luongo agreed that it was within the purview of the Town, but not necessarily under the Conservation Commission. The third By-law discussed by OSC concerned one of the recent Zoning By-law changes accepted at Town Meeting. The zoning revision included deleting a provision from zoning that concerned access through wetlands to upland parcels. This deletion was suggested the zoning revision consultant Attorney Marc Brobowski who opined that this issue was adequately regulated through the Wetlands Protection Act and Conservation Bylaw and there was no need to duplicate it in zoning. OSC's position is to have Town Meeting reestablish this zoning provision. Virginia Cookson agreed that the zoning bylaw should not have been repealed. The Planning Board saw problem years ago with buildable lots that were accessed over a wetland and this was designed to address it. Ms. Cookson wanted to have it reinstated. Jim Hankin said it would need to go back to the Planning Board and then to Town Meeting. The topic would be put on the agenda for September 27, 2017.

Shawn Farrell said he was frustrated with the OSC and the Open Space Plan and Recreation Plan. Mr. Farrell said that he felt OSC had wandered from their goal and mission statement. Over the last year, there was only slight forward progress with the Plan's revision and the Town was missing out on grants because the plan was outdated and not in place. Richard Luongo said the Commission could request that the OSC attend the next meeting for a discussion.

Jim Hankin explained that the first Open Space and Recreation Plan (OSRP) was written by two Commission members rather than staff and approved in the mid 1990's. After approval, it needed to be extended, which was a project initiated by members of the Commission with help from staff. The re-establishment of the OSC was done in time to revise the now expired OSRP in time for the recent Essex Greenbelt Sagamore acquisition. As it turned out the Sagamore acquisition did not require an approved ORSP for any of its funding requests.

Work on the draft OSRP continued as the Town wanted an accepted OSRP for possible future grant requests. The draft uses the expired Plan as the framework for the new version. This first run through was completed by staff and a consultant who updated tables and other quantitative information. This draft was then sent to the Open Space Committee after one public forum. Mr. Hankin was looking for a more formal finished product from OSC to respond to and then present a second draft to the public and to the Commission.

Mr. Hankin further added that he posted a copy of his first run draft on the Town website after a public forum on the draft was held in the fall of 2015. The OSC has been working on this version since after the public forum was held in late 2015. OSC comments were received in April of 2017. The OSC comment on the document was 80% complete. Patrick Reffett had suggested waiting for the Open Space Committee to finish their comments.

