

**Hamilton Conservation Commission
Minutes of Meeting of May 23, 2012
Meeting held at Hamilton Town Hall**

Commissioners present:

Virginia Cookson (7:49 p.m.), Robert Cronin, Peter Dana (until 8:04 p.m.), Richard Luongo (chair), George Tarr

Staff present:

Jim Hankin, Conservation Coordinator

Others present for a portion of the meeting:

Tom Geary of 41 Ortins Road
Bruce Gingrich of 51 Greenbrook Road

The Commission is scheduled to meet next at 7:30 p.m. on June 20 and June 27, 2012 at Hamilton Town Hall. Site walk is scheduled for Sat. June 9.

Richard Luongo opened the meeting at 7:35 p.m. Conservation Coordinator Jim Hankin noted that prior to this meeting Commissioners received copies of Massachusetts Department of Environmental Protection Request for Determination forms (1 page each) for 41 Ortins Rd. and 51 Greenbrook Rd.

Request for Determination

41 Ortins Road

Tom Geary, applicant, owner

Install fence in no-build zone but outside no-disturb zone

Conservation Coordinator Jim Hankin circulated copies of an informal site plan and the owner/applicant Tom Geary described his proposal to build a fence in his backyard, which is surrounded by wetlands. He noted that one corner of the house comes within 15' of wetlands, so across that section of the yard, the fence would lie within the no disturb zone (NDZ). He wants to install a vinyl picket fence, and noted that because the purpose is to keep his children in the yard, a split rail fence would not be adequate.

Richard Luongo asked about a drainage easement that appears on the site plan. Mr. Geary, who purchased the property in 2009 from a previous owner, said it was part of the original subdivision plan and he believes it is unrelated to wetlands, and has been abandoned.

Commissioners and Mr. Hankin discussed the easement and agreed that Mr. Hankin would research whether the easement passed from the developer to the Town. With the applicant's consent, the Commission continued this matter to the meeting June 20.

Request for Determination

51 Greenbrook Road

Bruce Gingrich, applicant and owner

Install deck around pool on sono tubes at 26' from edge of wetland

Bruce Gingrich showed a site plan and requested permission to construct a 10' by 40' deck beside an existing in-ground pool within the buffer zone between his house and a stream at the back of his property. Existing fencing around the pool and a nearby deck off the back of the house would be unaffected. Holes for sono tubes would be dug by hand. Space between the plastic decking strips would allow water and light to penetrate. Mr. Gingrich also proposed removing plantings that now occupy the area where he wishes to build the deck, and said he would replant some of that vegetation outside one side of the fence around the pool, and in existing beds elsewhere on the property.

Mr. Hankin passed around photos he took at the site.

Virginia Cookson made a motion for the Commission to grant a negative determination under the Wetland Protection Act and the Hamilton Conservation By Law. Peter Dana seconded the motion, with the conditions that the transplanted vegetation be installed at the locations indicated on the site plan, and that the Conservation Coordinator would inspect the site following completion of work. Mr. Hankin said at that time he would determine whether any additional planting would be required; Mr. Gingrich consented to this. VOTE: Unanimous.

Request for 1 Year Extension under By Law

920 Highland Street

Mark and Elisabeth Massey

Pool and pool house and associated site activities in riverfront; By law extension to expire June 1, 2012, state Order of Conditions to expire June 1, 2013

Mr. Hankin recapped permit information about this filing. The Commission previously issued an Order of Conditions for installation of a pool and pool house at 920 Highland; the owners delayed the project, and in 2010 they requested and the Commission granted an extension of the permit. The work has yet to proceed. The owners have just taken out a building permit and request an additional 1-year extension, which would expire on the same date as the state permit for this project.

Virginia Cookson made a motion for the Commission to extend the local permit for one year. George Tarr seconded the motion. VOTE: Unanimous.

Approval of Minutes

Robert Cronin made a motion for the Commission to accept the minutes of the meeting of May 9, 2012 as presented. George Tarr seconded the motion. VOTE: Unanimous.

Postponement of Election of Officers

Mr. Hankin noted that the regulatory schedule for the annual reorganization of the Commission calls for appointment of officers at the first meeting after Annual Town Meeting (which is this meeting), but the Commission has the authority to waive that regulation. By general consent, Commissioners deferred action until a future meeting when more members are present.

Mr. Hankin briefly updated commissioners about Town Meeting decisions about the Patton land gift, a study regarding whether to construct a sidewalk along Essex St., and a culvert near Howard Street.

Robert Cronin made a motion for the Commission to adjourn at 8:14 p.m. The Commission approved the motion by acclamation.

Minutes submitted May 25, 2012 by Ann Sierks Smith