

HAMILTON CONSERVATION COMMISSION
MINUTES OF MEETING
July 25, 2018
Memorial Room, Hamilton Town Hall

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

Coordinator: Jim Hankin

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

Request for Determination 144 Gregory Island Road. Septic System

Dan Johnson was present to discuss the failed system at 144 Gregory Island Road. Jim Hankin and Mr. Johnson had visited the site and Mr. Hankin had suggested using the retaining wall as the wetland line. Mr. Johnson showed the plan, pointing out the 50' and 100' buffer zones. The house and driveway were all within the 100' buffer zone.

The new tank and Presby system would treat the effluent of suspended solids to allow better seepage into the soil as it was close to Chebacco Lake. All work would be outside the 50' buffer zone. The old tank would be removed and the Presby system would be installed then backfilled in same place to the same grade. The new system would be 59' to the closest point to Chebacco Lake/edge of wetland. All work would be within the 100' buffer zone. The system would take one week to install. There is no place to stockpile soils so they would be taken off site. The leaching area is double in size from the previous system even though the Presby system allowed for a 40% reduction from standard Title V requirements. Jim Hankin showed photos. The lawn was flat and there was a slope from the road to the work area but according to Mr. Hankin, erosion control would handle the runoff.

Motion to issue a negative determination under the Wetlands Protection Act and Local By-law made by Keith Glidden.

Seconded by George Tarr.

Vote: Unanimous in favor.

Notice of Intent 408 Bridge St. Ecological restoration project.

The Commission had heard a detailed explanation and reviewed the plans at the previous meeting. A DEP file number had been issued with no comments since the last meeting.

Virginia Cookson made a motion to close the public hearing for the Notice of Intent at 408 Bridge St.

Keith Glidden seconded.

Vote: Unanimous in favor.

Virginia Cookson made a motion to issue an Order of Conditions for the proposed ecological restoration work at 408 Bridge St. with the local By-law to be in effect for three years to accommodate the monitoring program.

Seconded by

Keith Glidden. Vote: Unanimous in favor of voting members (George Tarr, Richard Luongo, Virginia Cookson, and Bob Cronin) with Keith Glidden abstaining due to not being present at the previous meeting when the public hearing was opened.

Request to Extend an Order of Conditions and By-law permit. 318 Forest St.

The permit had been issued in September 2015 to upgrade the septic system, which had not been started but would be started in the near future. Virginia Cookson recused herself as a Commissioner from consideration of this request because she is the Owner of the property. Ms. Cookson, as owner, asked to have the bylaw permit run extension run concurrently with the state permit extension.

Keith Glidden made motion to extend the permit and add additional years to the local permit to run concurrently until 2021.

George Tarr seconded.

Vote: Unanimous in favor.

Emergency Certification Extension. 146 Gregory Island Road. Fire damaged structure requiring asbestos clean-up, non-friable material.

Jim Hankin explained the asbestos removal company had contacted him about this work since it is within 100 feet of Chebacco Lake. The company also indicated that DEP approval for the asbestos cleanup was expected but the DEP approval had not arrived until late last week, after the first 30 day Emergency Certification had expired. Mr. Hankin issued a second Emergency Certification to authorize the work. The cleanup work was completed before tonight's Commission meeting. The final report had been filed. Mr. Hankin had inspected the site and it was stable for erosion.

Keith Glidden made motion to ratify the second extension issued by the Conservation Agent.

Virginia Cookson seconded.

Vote: Unanimous in favor.

Minutes

Virginia Cookson made motion to approve the minutes of June 13, 2018.

George Tarr seconded.

Vote: Unanimous in favor.

Virginia Cookson made motion to approve the minutes of June 28, 2018.

Keith Glidden seconded.

Vote: Unanimous in favor.

Discussion Items

Stormwater Management Plans in or accompany Orders of Conditions.

Jim Hankin explained that many types of projects, such as those on single family lots, were exempt from filing a stormwater management plan as part of a Notice of Intent. Most projects that came before the Commission did not require a stormwater filing. For larger projects such as the turf fields at Pingree and the High School and the landfill capping project, a Stormwater Management Plan would be part of the overall Commission review and approval process under the Wetlands Protection Act and Bylaw. Virginia Cookson stated the Stormwater Management Plan would be subject to Commission review but could also be under the Planning Board's responsibility. Ms. Cookson suggested keeping them separate as the Planning Board's review for stormwater management was not within the Commission's purview. Members understood that their regulatory authority is limited by the Commission's jurisdictional area. Mr. Hankin explained that a stormwater report and plan contains a checklist under the wetlands regulations which serves as a good overview of the stormwater management aspects of any project that would come before Commission.

It was agreed that the spillway at the landfill project would be discussed at the next meeting.

Require Notice of Intent submissions to only include what is in our jurisdiction

It was decided that the Commission must receive whatever information any applicant filed.

Commission's Land Management Committee

Discussion ensued regarding the inability of the Land Management Committee to meet for discussions as there are only three members in the Committee. Any meeting of two members for Committee could constitute a quorum and trigger all the Open Meeting Law requirements. Richard Luongo suggested dissolving the Committee and appointing an advisory body to advise Jim Hankin, as a public official and not a Commissioner who would then report back to the Commission. There would be no need for posting a meeting to comply with the open meeting law as the advisory group or task force is not a covered body under the law. Mr. Hankin has the authority as the Commission Agent/Coordinator to work on a project such as preparing a land management plan for the Commission to review. He also has the authority to appoint a working group to advise him. The Commission unanimously endorsed the establishment of the working group.

Motion made to dissolve the Land Management Committee, a subcommittee of the Conservation Commission made by Keith Glidden.

Virginia Cookson seconded.

Vote: Unanimous in favor.

Jim Hankin, acting as public official, would send emails to Zach Peters, George Tarr and Virginia Cookson to advise him as the Conservation Commission Coordinator's Land Management Working Group.

Coordinator's Report.

Jim Hankin reported on a site visit at Weaver Pond (Patton Park) with Soltude Lake Management, DeRosa Environmental Consulting, and Tim Olson (DPW). The pond has sprouted significant vegetation since 2010, when it had been treated with the chemical Sonar and then hydro-raked. The CPC funded the 2010 project, which worked for eight years. The CPC will receive an application to grant funds for the herbicide treatment and hydro-raking during their current round of applications review. A Notice of Intent will be filed if funds are granted.

Tim Olson plans to file a comprehensive drainage plan for the Patton Park parking lot. A Notice of Intent will form the basis of the plan. Mr. Hankin also told Mr. Olson about the Commission's concern regarding the continuous widening of Chebacco Road and its effects on vernal pools. Chebacco Road may be paved within its legal right of way in the future, which might allow for the area of concern to be abandoned for vehicular traffic.

Jim Hankin reported that he met with Gretel and Peter Clark as well as a *pro bono* consultant advising the Open Space Committee. The group discussed the Wetlands Protection Act and amending Conservation bylaw regulations in context of ongoing OSC efforts to rewrite the Conservancy District bylaw. George Tarr said the group had reviewed 150 towns with Conservancy District bylaws, which he believed were all structured on wetlands regulated review schemes. The concept of doing something with the Conservancy District Bylaw that would protect habitat or the ecosystem was discussed but Mr. Tarr indicated that he felt there was no legal basis to do so as the Wetlands Protection Act currently protects Conservancy District areas. Mr. Tarr thought the Conservancy District should be eliminated as the lines were not approved on a legal basis as far as he could tell.

George Tarr noted the somewhat skeptical reaction of Planning Board regarding the Dark Skies By-law based a memo from Patrick Reffett. One major concern is the proposed bylaw's retroactive application to private property. Mr. Tarr also discussed the OSC's Scenic Road bylaw efforts and referred to the Tree bylaw. The OSC was mostly concerned about stone walls. In response to Mr. Tarr's question if the Open Space Committee was able to get funds for a consultant, Mr. Hankin said there was no money currently available in the Conservation budget for a consultant.

Shawn Farrell announced that the OSC could soon be granted independent status by the Board of Selectmen and would no longer be a sub-committee of the Conservation Commission. The new OSC would be created with appointments from various groups such as the Conservation Commission and Planning Board as well as others. Its primary focus would be revising the Open Space and Recreation Plan. The current Open Space Committee, a sub-committee of the Commission would be dissolved at a future Commission meeting when and if the Selectmen decide to appoint an independent OSC.

Adjournment

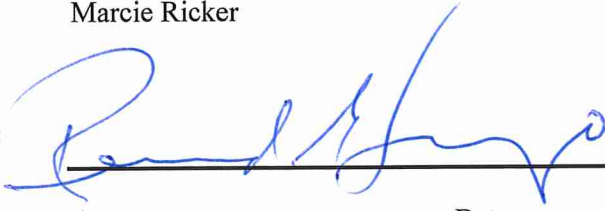
Motion to adjourn made by Bob Cronin.

Seconded by George Tarr.

Vote: Unanimous to adjourn at 8:04 pm.

Prepared by:

Marcie Ricker

A handwritten signature in blue ink, appearing to be "Marcie Ricker", written over a horizontal line.

8/15/18

Attest

Date

