

HAMILTON CONSERVATION COMMISSION

MINUTES OF MEETING

March 14, 2018

Memorial Room, Hamilton Town Hall

Members Present: Virginia Cookson, Bob Cronin, Chris Currier, 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. Jim Hankin reviewed the materials presented to the Commission to include the Site Plan for 1 Norris Road.

**Request for Determination. Walnut Road, Fairfield Drive, and Walnut Lane. Replace and Install Natural Gas Mains in Public Ways. National Grid/Coneco Engineers.**

Hannah Radditz, Wetlands Scientist for Coneco Engineers distributed maps. Ms. Radditz reviewed the Boston Gas Company project to include the installation of 1,200 linear feet of 2” plastic gas main. The plastic pipe would be installed 87’ away from an intermittent stream at its closest point to wetlands. All construction would be in previously developed areas. All disturbed areas would be returned to their pre-existing condition to the extent practicable upon the completion of work. The work is exempt under the Wetlands Protection Act (*see* 310 CMR 10.02 2(a) (2)). Erosion controls would consist of straw waddles with stakes near the intermittent stream. Silt sacks would be installed along the project.

Work would occur after a street opening permit was issued this spring or summer. Jim Hankin said the intermittent stream would likely begin to flow in April. Hannah Radditz recalled the stream was marked as intermittent on the USGS map. Virginia Cookson thought the request was clear and answered all her questions.

Motion made by Keith Glidden to issue a negative determination under the Town Bylaw as the project was exempt under the Wetlands Protection Act.

Seconded by Virginia Cookson

Vote: Unanimous in favor.

Jim Hankin would send the State form with the local form to notify the State about the exemption.

**Request for Determination. 1 Norris Road. Garage Construction 90' from the bank of Chebacco Lake. James and Leah Bishop Owners.**

Jim Hankin described the proposal. The site plan was filed with the Request for Determination. Mr. Bishop was out of town for the meeting and the Commission decided to proceed in his absence with his emailed consent to do so. The dwelling is between the proposed construction and the lake. The plot plan is well detailed with the lake bank shown. The garage is approximately 90' from the bank at its closest point. Mr. Hankin opined that the proposal was not adverse to any interest of the Act or Bylaw. Virginia Cookson noted that the house created a great erosion control barrier.

Jim Hankin noted a procedural detail. The applicant needed to receive a decision from the ZBA as the garage did not meet setback requirements. Under the express language of the Conservation Bylaw, since the process for the 1 Norris Street project is under a Request for Determination and not a Notice of Intent the Commission, can act before ZBA makes their decision.

Virginia Cookson said she did not have a problem with the proposal but questioned the size of the 13,000 sf lot. The house and deck comprised 2,163 sf and the proposed garage would comprise 743 sf. The total lot coverage shown was 22%. The Zoning Bylaw allowed for up to 25% coverage.

Motion made by Chris Currier to issue a Negative Determination for 1 Norris Road.

Seconded by Keith Glidden.

Vote: Unanimous in favor.

**Discussion Items:**

**Minutes**

Motion made by Virginia Cookson to accept the minutes of February 14 and 28, 2018 with minor corrections to the minutes of February 14, 2018.

Seconded by George Tarr.

Vote: Unanimous in favor.

**Coordinator's Report**

The litigation at Pingree School is still pending but settlement discussions are underway. The court hearing date of April 23, 2018 is still set.

The Open Space Committee had a meeting and accepted the letter regarding the Dark Sky Bylaw written by the Conservation Commission.

George Tarr described some of the discussion at a Planning Board hearing on the proposed removal of the Conservancy District Bylaw. The Bylaw needed to be amended to allow at least one use by right. Criteria for setting the lines of the District were discussed. According to Mr. Tarr, two views had been expressed at the Planning Board meeting one of which was that there

are no criteria or documentation for the establishment of the lines. The other view was that it followed the elevation lines.

The Planning Board wanted to remove the Conservancy District from the Zoning Bylaw but the Open Space Committee wanted to keep it until they examined whether it protected anything more than the Wetlands Protection Act or Bylaw. George Tarr described a discussion at the Planning Board hearing about the Cutler property abutting Porter Street. Speakers at the hearing stated that at this site the 100' buffer zone was compared to the Conservancy District, and there were some differences. There was also a large area with vernal pools that was not otherwise within the jurisdiction of the Wetlands Protection Act. It was assumed by speakers at the Planning Board hearing that the Conservancy District was a way to protect habitat for various amphibians that were using the vernal pool for breeding. George Tarr reported that speakers at the Planning Board hearing indicated that the developer of the Cutler property returned with a second plan, and that the Conservancy District lines were completely different allowing him to put two houses on the location. The first plan had no houses in the area because of the Conservancy District according to speakers at the hearing.

Virginia Cookson said the original Conservation District lines were approximate.

Jim Hankin said that assessor's maps show the Conservancy District lines based on contours. Virginia Cookson thought development since the 1950's might have moved hills before the Wetlands Protection Act was enacted.

Mr. Hankin noted that wildlife habitat protection is within the purview of the state's Division of Fisheries and Wildlife. The ability of municipalities to also regulate in this area requires clarification in his view.

George Tarr said the Planning Board decided not to remove the Conservancy District Bylaw but would allow the Open Space Committee to offer a rewrite of it. Mr. Hankin noted that the Open Space Committee is a sub-committee of the Commission.

George Tarr said the Open Space Committee would review other Conservancy District Bylaws in the state to see what they determined and if they offered additional protections. Mr. Hankin noted the Conservation District was a difficult Bylaw for the ZBA to administer.

The survey at Central Ave. would be done in this fiscal year.

The survey plan at Patton Ridge and the Patton Estate had already been done with an extended wetland resource line for another three years in place.

Essex County Greenbelt is working with the Town for trail use at the boardwalk for access improvements.

Virginia Cookson described proposed terrace improvements at the Patton Estate and noted the possibility of having a wetlands garden in the area in the future.

**Adjournment**

Motion to adjourn made by Bob Cronin.

Seconded by Chris Currier.

Vote: Unanimous to adjourn at 7:45 pm.

Prepared by:

Marcie Ricker

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Attest

Date