

HAMILTON CONSERVATION COMMISSION
MINUTES OF MEETING
November 15, 2017
Memorial Room, Hamilton Town Hall

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. Jim Hankin reviewed the materials presented to the Commission. A site walk is scheduled for December 9, 2017 with a meeting on December 13, 2017.

Notice of Intent. 63 Pine Tree Drive. Septic System Installation.

Edward Arnold, Owner and Dan Johnson, system designer. Richard Luongo opened the public hearing for the septic installation, which was continued from the previous meeting.

Dan Johnson, Domestic Septic Design, presented the proposal. The upgraded septic system was in response to a failed system. The small lot had a tank and two pits. Soil tests indicated good soil but placing the system in the front of the residence would not meet setbacks. The system was proposed where the original system was located. There would be a new leaching field to accommodate three bedrooms. The septic tank would remain. The new septic system would be kept outside the 50' set back. According to Dan Johnson, the Notice of Intent was filed due to the off grading, which pushed some work into the 50' buffer zone. There would be a small 2-3' high retaining wall constructed so the residents would have access to the backyard without further grading into the wetland buffer. The closest point to the wetlands from the retaining wall is 40'. Mr. Johnson reiterated that the reason the Notice of Intent was filed was due to the fact that work related to the septic installation was within the 50' buffer zone even though the septic itself was outside the zone.

Jim Hankin exhibited photos of the site. DEP issued a file number with no issues noted.

Motion made by Virginia Cookson to close the public hearing for the Notice of Intent at 63 Pine Tree Drive.

Seconded by George Tarr.

Vote: Unanimous in favor.

Motion made by Virginia Cookson to issue an Order of Conditions reflecting the plan presented to the Commission that all work would follow the plan, and if there were any changes to the plan, the Commission would be notified. No additional conditions were issued other than regular conditions.

Seconded by George Tarr.

Vote: Unanimous in favor.

Request for Determination 46 Beech St. Septic System Installation.

Mary Souter, Owner and Dan Johnson, system designer.

Dan Johnson presented the plan of a small lot with wetlands to the rear. Mr. Johnson said the soil test indicated good soils even though the water table was shallow. The plan is to install a new tank, pump chamber, and leaching field, all outside of the 50' buffer zone. There is no off grading or mounded system. The plan allows for an upgrade to a three bedroom system. The entire system is outside the 50' zone. The existing vegetation is all lawn.

Jim Hankin showed photos of the site. An erosion control barrier is present on the plan.

Motion made by Virginia Cookson to issue a negative determination under the Wetlands Protection Act and the Town By-law referencing the plan presented as the plan to be followed.

Seconded by George Tarr.

Vote: Unanimous in favor.

Discussion

Environmental Education Proposal. Ms. McElhinney presented the proposal and said the Commission had done a great job supporting the field trips. While the proposal looked similar to previous proposals, the field trips had been prioritized. New State standards and new curriculum guidelines indicated a need to have field trips that matched the core curriculum. The Schools made the decision to have grades 1, 2, and 4 go on field trips and every student would attend creating a consistency within the curriculum while keeping the same funding.

Jim Hankin said that in years past different schools had attended different field trips. Mr. Hankin thought the consistency would be beneficial. Richard Luongo requested that the Wenham Conservation Commission be left off the proposal to which Ms. McElhinney responded that she would do as he asked. Wenham refused to fund the project every year. Virginia Cookson wanted to leave Wenham on the proposal each year to continue the concept of a dual community and if they chose not to participate, it would be their choice. Mr. Luongo wanted it known that the proposal was sponsored from Hamilton alone. The topic would be on the agenda for the next meeting.

The program cost Hamilton \$3,886.25 and Wenham 1,990.50. Children shared the cost of the buses, which Virginia Cookson said was the same cost as if Wenham decided to pay. Richard Luongo noted that if they were on the proposal this year, they should be contacted.

Patton Ridge Homeowners' request to do mowing on the 9.1. acres of Open Space land.

Mark O'Hara was unable to attend but said the Commission should go ahead and discuss the topic. Jim Hankin said the Condo Association had previously shown aerial photos of areas that had been mowed in the past. The Association was more interested in the front area. Zach Peters

of the Open Space Committee wanted to know where the mowing was to occur and requested that the proposal be more formally presented in writing. Jackie Hodge of the Open Space Committee said the request was too vague. Richard Luongo thought the request was for the area near the roadway. Jim Hankin agreed that the Association needed to provide something more specific.

George Tarr said he had marked plants in the areas of concern. In his view, the north section was larger and could be mowed twice year so as not to affect nesting ground birds. According to Mr. Tarr, Audubon suggested not mowing before August 15, which would apply to the area north of the road. The south side near the pumping station was currently difficult to access and Mr. Tarr suggested leaving the area as it was except to keep the area as a field. Once a year, saplings should be pulled from the field. The majority of the field was within the 100' buffer zone and was marked as a wetland on the map.

Jim Hankin said the Open Space Committee made a good point that there was not enough tangible information to make a decision. Virginia Cookson agreed that the Association needed to be present to make a more definitive presentation and she suggested the Commission take no action. Zach Peters added that it should be part of the larger Open Space Plan for the Patton Estate.

Jackie Hodge asserted that mowing was typically just for landscaping and should be considered in that context. Richard Luongo added that if left alone, ecological succession would occur and that if it was desired to remain as a field, not necessarily lawn, it would need to be cut once or twice year.

Jim Hankin would contact Mark O'Hara and explain that the Commission had decided to take no action and if the Association wanted to move forward, they needed to provide specific information or a specific plan of what they wanted to see happen to the land.

Open Space Committee Update to the Commission on activities and updates to the Open Space and Recreation Plan.

Jim Hankin said he had spoken with Gretel Clark who indicated that the Open Space Committee was finished with their comments on the draft, except for the goals. Zach Peters said the Open Space Committee had submitted their responses to the September 2015 draft during April 2017 with an eighteen page letter. The letter addressed Sections 1-7 and Section 13 with the goal section left out. Mr. Peters said the Committee supplied many comments and were waiting to receive feedback before addressing the goal section. According to Mr. Peters, the Open Space Committee was not to be involved with the drafting of the plan but would provide comments. The sections left to be considered were Section 8 (goals), Section 9 (5 year action plan), Section 10 (public comments), Section 11 (maps), and Section 12 (references).

Zach Peters added that it was hard to set goals if comments were not addressed. The on-line survey that was conducted by the Town might not satisfy the State's requirements. Jackie Hodge thought the survey was fraudulent because it was too narrow. Mr. Peters said it wasn't fraudulent but the State wouldn't accept the survey. Jim Hankin asked if Ms. Hodge thought the Selectmen intentionally misrepresented the survey and Ms. Hodge responded that she didn't think it was misrepresentation, but ignorance. Mr. Hankin said it was not a fraud.

Discussion ensued regarding the Town Manager's responsibility for the Plan, which would be written internally by staff. Sue Brown had been hired by the Town to do the tables and census information for the previous Plan. The Open Space Committee was responsible for the original Open Space Plan. Virginia Cookson recalled that John Rhoades had completed the original Plan, but the Town management had changed since the first Plan and the document would be completed in house. Jim Hankin said the Commission needed to be presented with a more comprehensive draft, which would be reviewed by Patrick Reffett to craft responses to the comments. All comments would be attended to before the next draft. Zach Peters suggested an informational meeting.

Shawn Farrell and Jackie Hodge debated the validity of the on-line survey. Jim Hankin said he and Patrick Reffett would need to develop responses to the comments before the next meeting. Zach Peters wanted to have as many boards as possible to comment on the document. Once the Open Space Committee received the document, it would take a few meetings to digest the material. Zach Peters added that he wanted to have an active recreation plan incorporated into the Plan.

Discussion of the Conservancy District.

Jim Hankin offered the background of the agenda topic. Patrick Reffett noted that Mark Brobowski had recommended that the Conservancy District be deleted from the zoning bylaw, which outlined contours in town designated by a Town Meeting prior to the Wetlands Protection Act. The Conservancy District Zoning By-law describes prohibited uses. To do work in the Conservancy District projects need to go the ZBA with a request for a variance for a permitted use. The Wetlands Protection Act renders redundant almost all the Conservancy District requirements. The Conservancy District lines are almost always within wetlands so the jurisdictional area under the State law has superseded the District to a great degree, according to Jim Hankin. Patrick Reffett had asked the Commission to discuss the District as the next revision of the By-law. The Conservancy District is based on contours, which are shown the assessor maps.

Richard Luongo said the Commission's jurisdiction overlaps this By-law and was concerned about confusion between the two and that the Commission's purview is not compromised in anyway.

Zach Peters said he make a point of walking the conservancy line.

Minutes

Motion made by Virginia Cookson to accept the minutes of October 11, 2017 as written and submitted.

George Tarr Seconded.

Vote: Unanimous in favor.

Motion made by Virginia Cookson to accept the minutes of October 25, 2017 as written and submitted.

George Tarr seconded.

Vote: Unanimous in favor.

Motion made by Virginia Cookson to accept he minutes of November 2, 2017 as written and submitted.

George Tarr seconded.

Vote: Unanimous in favor.

Richard Boroff and the Commission discussed the potential of roads going through wetlands. Grandfathering was also discussed. Wetlands and Title V are not grandfathered. Building codes are not grandfathered.

Jim Hankin said he would work with Zach Peters and Jackie Hodge but thought the informational meeting might not be productive. Mr. Hankin thought there was an opportunity to finish the document with the Open Space Committee but understood Zach Peter’s point that commenting further at this time would be moot.

Coordinator’s Report

Jim Hankin announced that the Town voted to appropriate funds for Peter Kane’s survey of Central Avenue, which would be available after Attorney General approval.

Adjournment

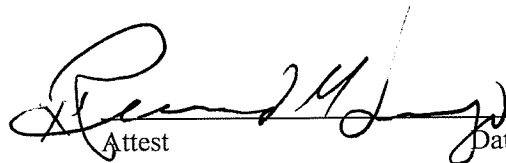
Motion to adjourn made by Bob Cronin.

Seconded by George Tarr.

Vote: Unanimous to adjourn at 8:45 pm.

Prepared by:

Marcie Ricker

 12/13/17
Attest Date