

HAMILTON CONSERVATION COMMISSION
MINUTES OF MEETING
September 12, 2018
Memorial Room, Hamilton Town Hall

Members Present: 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 said Commissioners' packets contained the agenda as well as the Wetlands Preservation, Inc. request for 1 Surrey Lane.

Enforcement Order Status and Request to lift Order at 1 Surrey Lane.

Mark Boden (previous land owner) was present. Jim Hankin noted the Commission site walk on this parcel on September 8 and the growth that had occurred on the site. The submitted consultant's report indicated that 80% of wetland areas were restored with indigenous wetland plant species. Mr. Hankin said he thought it had met the performance standards and two growing seasons had been completed. Mr. Tarr commented that he was on the site walk and found it difficult to walk the areas due to growth but did not dispute the report or Mr. Hankin's description. Compliance reports had been filed.

Motion to lift the Enforcement Order was made by Keith Glidden.

George Tarr seconded.

Vote: Unanimous in favor.

Jim Hankin would speak with the new owner to discuss continuing the agricultural use on the property.

Notice of Intent 2 Beech St. (Continued from August 15, 2018).

The Chairman re-opened the public hearing.

Commissioner Bob Cronin is recused as an abutter.

Denise Kelly, owner/applicant was present. DEP issued a file number with no comments.

According to Jim Hankin, DEP can, and has in the past, commented if a project needs a Chapter 91 license for work in Chebacco Lake, but they had not in this case. The Commission consensus was that this applicant was the only qualified person to work in this land area and would take responsibility for the project.

Keith Glidden asserted that while the Commission was not finding that Denise Kelly was the owner of the land, they did believe she had a right to do work on it. Richard Luongo added that all documentation was in place. Mr. Glidden said there were no negative impacts to fixing the embankment/wall. Mr. Eric Mimmo, a Beech St. abutter said the shore degraded over the years

and asked about improvements to the "Reservation". It was agreed that a different Notice of Intent would need to be filed for any work to improve the shoreline of the "Reservation". Mr. Mimmo also noted the evergreen trees planted on a retaining wall (this wall is not an area where any work is proposed in Ms. Kelly's NOI) were causing the retaining wall to fall into the reservation. Those on the site walk did not sense an imminent collapse of the wall and the Commission agreed that a project to do that work would a new NOI.

Motion to close the public hearing made by Keith Glidden
Chris Curry seconded.
Vote: Unanimous in favor.

Motion made by Keith Glidden to issue an Order of Conditions for the approval of the repair to the damaged lake edge embankment and that the details in the Notice of Intent were sufficient. The requirement for erosion control on land and a siltation barrier for work in the water underwater are clear in the NOI and site plans. Small machinery would be stored outside the no disturb zone.
Seconded by Chris Currier.
Vote: 4 in favor, 0 opposed and 1 abstaining, motion passes a quorum of Commission voting in favor.

Request for Determination 489 Bay Road.

Linda Bangs was present for the Applicant. All proposed work is no closer than 75' from the wetlands resource area. Jim Hankin visited the site a couple of times and confirmed the on-site staking and wetland areas as accurate. Ms. Bangs reviewed the filed site plan with the Commission. She said native plants such as white pines, red twig dogwoods and clethra would be planted. Mr. Hankin explained that stumps of some removed trees are shown on the plan. These trees were removed after the insurance company warned the landowner of potential damage that might occur to abutting lots if these damaged and diseased trees remained. Mr. Hankin, after on-site inspection and review of the trees with a certified arborist had allowed a limited emergency action to remove these trees.

Keith Glidden made motion to issue a negative determination.
George Tarr seconded.
Vote: Unanimous in favor.

Notice of Intent; Public Hearing; 354 Highland St. (Canterbrook Farm) to construct a 23 unit residential development with activities n Commission jurisdictional areas.

Richard Luongo opened the public hearing. Charlie Wear (Meridian Associates) was present. Larry Smith, the developer and future owner of the land was also present. The Notice of Intent was received by DEP but a file number had not yet been issued. Prime Engineering was the civil engineer and Mr. Wear was the project representative. The original design was done by Prime

Engineering and approved by the Planning Board. Larry Smith asked Mr. Wear to spearhead the process. The Special Permit was issued two to three years ago and had been extended by the Planning Board.

Charlie Wear indicated that Greg Hochmuth (Mr. Hochmuth also present for the hearing) had flagged the wetlands for an ANRAD filing years ago. Mr. Wear had retained Mr. Hochmuth to review the old ANRAD wetland flags (recently re-located on site by Meridian Engineering) and to re-flag any areas which had changed since the ANRAD. Mr. Hochmuth had done so and the re-flagged line is shown on the plans filed with the NOI. Mr. Hochmuth also reviewed and reaffirmed the existence of 2 vernal pools within the bordering vegetated wetlands on site. These vernal pools are not formally certified with the state but Mr. Hochmuth indicated that the areas appeared to meet state criteria for vernal pools. Mr. Wear continued with information that drainage generally ran from the northwest corner across the site down to the wetlands. The storm-water flowed from the wetlands, into the Highland St. culvert, then to the other side of Highland St., then into a large swamp and eventually to the Ipswich River.

All buildings are shown as outside the no build zone. Some roadways and two buildings were in the buffer zone but outside the no build zone. The work area would be regraded with a full acre of planting mitigation proposed. Two rain gardens would act as habitat and contribute to the storm-water management on site. Charlie Wear stated that he had withdrawn his waiver request and instead now asks the Commission to find that work inside the no disturb zone, which was currently disturbed land, overcomes the presumption of adverse impact to the wetlands by providing significant improvement to the area.

A pipe from the catch basin in the roadway would direct water into the rain gardens before being released over a level spreader. One and two year storm events would allow runoff into the rain gardens while larger events would result in water falling over the level spreader.

The open space would be planted with a wetland mix and a meadow mix. A walking trail would be included. The open space is shown as 63% of the site and would be managed by the Homeowner's or Condo Association who would also manage the catch basins, infiltration system, vegetation plan, and snow plowing. Larry Smith (owner/developer) stated that Magnolia Reach Capital would manage the property until 75% of the units were sold when the Association would take over. Keith Glidden asked about the treatment of roadways in winter with salt. The Applicant would provide information on alternatives.

The open space would be under a Conservation Restriction but Charlie Wear thought it may take time for the State to approve it. Jim Hankin added markers denoting the open space boundary might be a required condition from the Commission.

Peter Britton (466 Highland St.) gave a history of the drainage on site and in the local area. Mr. Britton wondered what would happen to the Canterbrook drainage plan if the culvert were to back up. Charlie Wear responded that Canterbrook did not have an easement to attend to the 50' Town of Hamilton right of way but a maintenance agreement could allow them to keep sediment

out of the pipe. They would not be able to help if the mosquito ditch filled in again and it would be up to the community to use mosquito control. Keith Glidden said the new owner would have an interest in not having water back up into his property.

Bea Britton (466 Highland St.) asked about the septic treatment plant. Charlie Wear explained the process of septic treatment indicating that the effluent would be clean by the time it reached the groundwater. Tanks would be pumped annually.

Anthony Fusco (63 Sharon Road) asked about the landscaping, which appeared to be on the northwest side of the project. Charlie Wear said there were no plans to landscape the area by the brook and foot bridge, which were currently overgrown. Mr. Wear would meet with the neighbors to discuss the topic. Mr. Wear discussed the water main change, which was originally a dead end system based on the previous DPW Director's opinion. The Planning Board was being asked to allow the loop system, which was recently approved by the water department.

Greg Hochmuth, wetlands consultant for the applicant described his changes to the prior wetland delineation. A paddock that had been in use during the ANRAD review had its soil manipulated by past practices and horses. Currently that area had revegetated and the wetland line was accordingly adjusted in two spots. The wetland area also features many invasive plant species.

Charlie Wear filed a supplemental narrative to be distributed to commissioners, which changed the request for a waiver to a presentation and rebuttal on the presumption of adverse impact. The submittal would be checked for an Operations and Maintenance Plan and the missing Utilities page of the plan set. Alternatives for salt treatment would be investigated and a file number would be due from DEP. Mr. Wear would provide clarification on the open space. The applicant consented to continuing the hearing until September 26, 2018.

Keith Glidden made motion to continue the public hearing for 354 Highland St to September 26, 2018 at 7:00 pm in the Memorial Room at Town Hall.

Chris Currier seconded.

Vote: Unanimous in favor.

Certificate of Compliance and Enforcement Order Status for Essex County Greenbelt Association parking lot and Restoration of former Composting Site.

Jim Hankin stated the parking lot project and he recommended the issuance of the Certificate of Compliance. George Tarr noted the remarkable transformation of the former composting site. There was another year for the Enforcement Order to run. The upland and buffer zone areas were a lush meadow. The native wetland plants in the wetland restoration area were in good shape, according to Mr. Hankin.

Keith Glidden made motion to issue a Certificate of Compliance for the parking lot.

George Tarr seconded.

Vote: Unanimous in favor.

Certificate of Compliance 10 Villa Road.

The Commission had approved the installation of a seasonal dock on Chebacco Lake in 2011 but the dock was never installed. The permit was recorded. The current owners needed a Certificate of Compliance to sell their home. Jim Hankin showed a photo of where the dock would have been installed to indicate that no dock was present.

Keith Glidden made motion to issue the Certificate of Compliance as no project was completed. George Tarr seconded.

Vote: Unanimous in favor.

Minutes

Keith Glidden made motion to approve the minutes of August 15, 2018.

Chris Carrier seconded.

Vote: Unanimous in favor.

Keith Glidden left the meeting at 8:27 pm with a quorum still established.

Discussion Items

Motion to dissolve Commission's Open Space sub-committee and appoint an HCC representative to the reformed and independent Open Space Committee.

Jim Hankin explained the Open Space Committee that had been appointed by the Commission was a subcommittee of the Commission exclusively. The Selectmen had now decided to appoint a new stand-alone independent Open Space Committee. To avoid confusion, the original Commission sub-committee would be dissolved. A final step to remove any ambiguity would be amending the Commission's regulations under the Bylaw to remove reference to the Open Space Committee. A public hearing is necessary to do that. The Commission also needed to appoint a member to the new Open Space Committee.

George Tarr said the Open Space Committee did not foresee that members of the Commission's sub-committee would not automatically be on the new Committee under the Selectmen. The sub-committee group met to discuss ideas on going forward. They could continue as a subcommittee under the Commission with a different name and continue to rewrite the Conservancy District By-law but they didn't want to do that. Mr. Tarr indicated that the group could become an advocacy group with no official connection to Town structure. The new Open Space Committee would be working only on the Open Space Plan. The original group had been charged with that task but had diverted into studying dark skies bylaws, scenic road bylaws and the Conservancy District Bylaw. The advocacy group could continue to study those and bring those items to the Selectmen or Town Manager.

Discussion ensued regarding the Conservancy District and the Wetlands Protection Act. George Tarr believed the Conservancy District could be rewritten to protect water sheds and habitat. Richard Boroff of the Planning Board, who was in attendance for the meeting, believed that current mapping wetlands corresponded to the Conservancy District map. Mr. Tarr indicated that a great deal of ambiguity and lack of process surrounds the current mapping of the Conservancy District and that a map in use now had not been approved by Town Meeting.

Sean Timmons and Richard Boroff were already members of the new Open Space Committee. Mr. Boroff said Shawn Farrell had indicated anyone, including the original OSC members could also apply to be on the new committee.

Motion made by Keith Glidden dissolve the Commission's Open Space Committee under their Regulations.

George Tarr seconded.

Vote: Unanimous in favor.

Motion made by Keith Glidden to set the public hearing date to consider amending the Commission's By-law regulations and removing reference to the Open Space Committee. Date would be either September 26, 2018 or October 10, 2018.

George Tarr seconded.

Vote: Unanimous in favor.

Chris Currier made motion to nominate George Tarr to be the representative on the new Open Space Committee. Mr. Tarr said he would not be interested in a boiler plate submission of the Open Space Plan but other Open Space planning items could be of some interest to him.

Bob Cronin seconded.

Vote: Unanimous in favor of voting members with George Tarr abstaining.

Continued discussion on the Patton Homestead 9.1 acres.

George Tarr reviewed past discussion concerning the removal of offending plants under the beech trees. Mr. Tarr recalled that Keith Glidden wanted the boundary line adhered to as regards Patton Ridge units mowing into the 9.1 acres land. Mr. Tarr was more in favor of "trading" mowed area on the 9.1 acres for Patton Ridge land that would be allowed to become natural growth and also allow removal of invasive plants. The Commission left the matter open and agreed to site walk the 9.1 acres area on October 6, 2018 and return to the public meeting discussion on October 10.

Discussion ensued regarding where and how often a portion of the 9.1 acres could be mowed by the town. Jim Hankin said the lower meadows to the right of the driveway as you come into Patton Ridge could be cut twice a year to keep woody shrubs down while the area on the left of the driveway (southern side) and closer to the wetlands would remain untouched. It was assumed the Town would be responsible for the mowing as it was Town property. Peter Britton said he

had mowed that area for years and did not think the Town had the correct equipment to mow more than lawn and that someone else may need to be hired to do so. Mr. Britton said nothing would grow there but bittersweet and buckthorn. Mr. Hankin said the Commission was granted authority over the land for recreation and open space use and were trying to figure out how to follow that mandate.

Coordinator's Report.

Jim Hankin said he spoke with the landfill representative who wanted to be on the October 10, 2018 agenda and October 6, 2018 site walk to consider a Certificate of Occupancy as his contractual issues hopefully will be resolved by then. The Town had requested through CDM Smith, a Certificate of Compliance for work in the wetlands jurisdiction when they capped the landfill. The group also had a permit for having solar installed but that was separate.

Adjournment

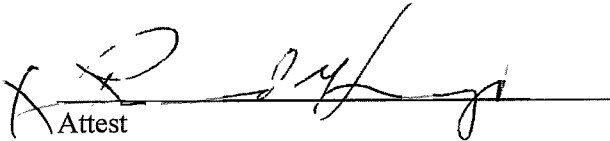
Motion to adjourn made by Bob Cronin.

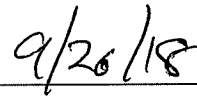
Seconded by Chris Currier.

Vote: Unanimous to adjourn at 9:00 pm.

Prepared by:

Marcie Ricker


Attest


Date

