



**Town of Hamilton
Conservation Commission**
Meeting Minutes of March 26, 2025

Pursuant to the Open Meeting Law, MGL Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Commissioners, a meeting of the Hamilton Conservation Commission was posted for March 26, 2025 at 7PM via Zoom. *This meeting was recorded.*

Commissioners: Sandy Coddington, Virginia Cookson, Mike Stoltzfus, Denise Kelly, Nancy Baker.

CALL TO ORDER The Interim Chair convenes the meeting pending the establishment of a quorum. The following items shall be addressed in order, subject to the discretion of the Chair and the Members

Interim Chair Cookson called the meeting to order at 7:05 PM. She identified the meeting was being recorded and those present: V. Cookson, D.Kelly, N.Baker. Not present: M. Stoltzfus, S.Coddington. Also present: Bethany Barstow, Conservation Agent. Others present as noted in the minutes.

PUBLIC MEETINGS AND HEARINGS:

Request for Determination of Applicability, Railroad Right of Way in Hamilton, MA.

Applicant: Ana Rita Pascoal of Keolis Commuter Services.

Property Owner: The Massachusetts Bay Transportation Authority

Representative: Matt Donovan, Senior Designer, Benesch

Project: Proposed renewal of the five-year Vegetation Management Plan (VMP).

Matt Donovan of Benesch explained this is a request for determination to confirm the accuracy of the maps used for herbicide application along the commuter rail right of way. An RDA is submitted every 5 years as required by law, and determination is necessary before submitting the 5 Year Vegetation Management Plan to the State. The Vegetation Management Plan is designed to manage and control vegetation necessary to keep the railroad operation safe. There are chemical applications for vegetation removal and mechanical removal where chemical applications are not allowed. He displayed a map showing the area of the railroad track where the spraying will take place. M.Donovan noted every year a notice is submitted to the Commission showing what will be used and the locations. Also discussed was the impact of weather, emergency contacts in the event of problems, monitoring of the work, and the possibility of having more area of track designated as highly sensitive. M.Donovan explained the necessity of doing this work every year in order to keep the tracks safe and stable. He advised that the Commission can reach out to him with any concerns at any point in the year.

***Vote:** The Commission voted unanimously by roll call to issue a negative determination for the MBTA Railroad Right of Way project in Hamilton.*

Notice of Intent: MassDEP #172- 0656, 31 Bradford Road, Hamilton, MA.

Applicant: Richard and Karl Hayes

Representative: William Manuell, Wetlands & Land Management, Inc.

Project: Proposed installation of a repair of a septic system within the 100- foot buffer zone to BVW (bordering vegetated wetlands).

B.Manuell was present and spoke septic repair project and noted DEP has issued the file number, which has been added in the application. He stated the Commissioners asked him to change the plan to indicate the tree already removed by the town, and also suggested it would be prudent to add a secondary line of erosion control in order to cover this area when they fill in the existing cesspools, and that has been added to the plan. There was also an inadvertent checkbox on the Notice of Intent that has been corrected.

***Vote:** The Commission voted unanimously to close the public hearing on 31 Bradford Rd.*

***Vote:** The Commission voted unanimously to issue an order of conditions for 31 Bradford Rd, MassDEP #172-0656.*

Notice of Intent: MassDEP #172- 0655, 470 Essex Street, Hamilton, MA.

Applicant: Roger Leblanc

Representative: Joel Favazza, Seaside Legal Solutions, P.C.

Project: Proposed construction of a single-family home and associated amenities, including a driveway and a septic system within the 100-foot buffer zone.

J.Favazza was once again there to present the project. He displayed a site plan showing the project to construct a single-family home with the intent to build a very modest house with (about) a 560 square foot footprint; 360 square feet would be in the no build zone. The applicant is offering to create another 850 square feet of no disturbed zone as a tradeoff. He also found the plans that were before the Commission in 2014, to show the previously proposed house was much larger and had over 1,500 square feet in the no build zone with no tradeoffs to create any additional protected areas. He briefly recapped the site visit with the Commission on March 17, 2025. He reiterated his client would be willing to remove Japanese Knotweed on the site, pending the Commissioners approval. D.Kelly asked why the house could not be sited out of the no-build zone, and J.Favazza explained the house is only 22 feet deep, and they can't make the house any less deep, and can't pull it closer to the street without violating the zoning setbacks. N.Baker reviewed the prior denial and believed there are still issues, specifically the zoning bylaw prohibits construction in the no-build zone. She believed an order of conditions would not be sufficient and this project would require a waiver and cited sections 11, 12, 15 and 16 in the 2014 denial needs to be addressed. She believed a denial is required without a waiver request and reviewed the following from the previous denial:

- #11 stated potential impacts to the resource areas are not clearly explained, and there is no wildlife, habitat analysis nor consideration of the site and resource area hydrology.
- #12 stated there was no rebuttal of no adverse impact. In particular, the subsequent impacts that will happen when someone is actually occupying the property.
- #15 stated Hamilton had never issued a waiver for a no build zone or the no disturb zone in undeveloped land. They determined it would make the bylaws' stricter setbacks unenforceable.

B.Barstow recommended that this current project be reviewed by the Board of Health for the septic plan before the Commission takes any action. J.Favazza noted that the septic plan was approved back in 2014, and the project was denied by the Commission, and they would rather not incur the expense of the septic plan just to have the Commission deny approval again. He offered to address the four conditions raised by N.Baker and come back to the Commission with responses. N.Baker reiterated her concern over setting a precedent for the town by potentially issuing a waiver for undeveloped land.

- **Walter Meinbaum, Whipple Rd**, cited it is required a lot be 50% upland with soils dry enough to permit installation of a septic system. This lot has been denied many times over starting in the early eighties, when the ZBA determined the lot does not meet the requirements to be a buildable lot in Hamilton because it does not have 50% upland area. This applicant acquired the lot with a 30 plus year of history of denials, and he can have had no reasonable expectation of being able to build on it. Therefore, he believes any claim of hardship must fail, as there is no reason to violate the current no build and no disturb zones.

Vote: *The Commission voted unanimously to continue the public hearing on 470 Essex St DEP#172-0655 to the next meeting on April 9, 2025.*

Notice of Intent: MassDEP #172- 0657, 540 Highland Street, Hamilton, MA.

Applicant: Thomas Valton of Massachusetts Department of Conservation and Recreation

Property owner: Priscilla Geigis of Massachusetts Department of Conservation and Recreation

Representative: Jessica Marino of AECOM.

Project: Proposed resurfacing of Bradley Palmer State Park Road and the repair of a culvert within the roadway. The proposed project is located between the Topsfield Town Line and Highland Street, at 540 Highland Street, Hamilton, MA, (Map 12, Parcel 20-1). Most of the proposed work is located within the Bordering Vegetated Wetland, Bordering Land Subject to Flooding, and the 200-foot Riverfront Area.

Tom Keogh, a wetland scientist with AECOM was there to present the project. He displayed a map showing the Hamilton portion of the project and noted they received approval from the Topsfield Conservation Commission the previous week. DCR intends to mill and overlay the existing roadway, and erosion controls will be established for the work. Once the roadway has been milled, a street sweeper will clean any debris. He noted all activities are temporary, this is milling, there is no widening

of the road taking place. One culvert on the roadway has collapsed and will be replaced in kind. No trees will be cut in the process. There will be no stockpiling of materials for the project, it will be live loaded, and it should take about a full week to complete the paving and a day or two to do the culvert. The work will be done to minimize disruption to accessing the park. There was further discussion regarding the culvert itself and its relationship to stormwater management. N.Baker expressed concerns, stating that according to volume one of the stormwater handbooks, all redevelopment projects must improve existing conditions. T.Keogh noted the culvert work is solely in Topsfield, not Hamilton. He will send an email to the agent with additional information. The Commissioners will complete a site walk on Friday, March 28 to view the site.

Vote: *The Commission voted unanimously to continue the public hearing on 470 Essex St DEP#172-0655 to the next meeting on April 9, 2025.*

INFORMATIONAL: Draft Tree Removal Application Project: Draft proposed tree removal application to streamline processes.

B.Barstow showed a draft form that she created for applicants to complete when they are only looking to do tree removal in the buffer zone or the resource area. V.Cookson objected to the form believing it to be too much work thinking applicants will not bother to do. D.Kelly believed this would streamline the process so that property owners do not have to file a RDA and pay an application fee. B.Barstow said she used this form in a previous position in Carlisle and it was used with no problems. She offered to streamline the form further and potentially create a letter permit for small projects instead.

ENFORCEMENT ORDERS/VIOLATIONS:

1. 185 Bridge Street (58-9-53) – issued March 14, 2023, reissued May 23, 2024 - *This was not addressed.*

- The next Conservation Commission meeting is currently scheduled for April 9, 2025.

Adjournment – *The Commissioners voted unanimously by roll call to adjourn at approximately 9:40pm.*

Documents:

- *Notice of Intent Application – 31 Bradford Rd.*
- *Notice of Intent – 470 Essex St*
- *Notice of Intent – Roadway resurfacing at Bradley Palmer State Park*
- *Request for Determination of Applicability (RDA) along MBTA Right-of-Way Operated by Keolis Commuter Services (Purple Lines)*
- *Draft Tree Removal Application*

Respectfully submitted by D. Pierotti, Recording Secretary, 4.4.25.

The minutes were prepared from video.