



**Town of Hamilton
Conservation Commission**
Meeting Minutes of April 9, 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 Virginia Cookson called the meeting to order at 7:00 PM. She identified the meeting was being recorded and those present: V. Cookson, S.Coddington, M. Stoltzfus, N.Baker. Not present: D.Kelly. Also present: Bethany Barstow, Conservation Agent. Others present as noted in the minutes.

PUBLIC MEETINGS AND HEARINGS:

Continued 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.

Joel Favazza appeared again to present the proposed project of a single family home within the 100 foot buffer zone. He stated feedback from the last meeting was incorporated and spoke on the revised plan. He displayed a site plan showing the house as a contemporary five sided polygon to prevent encroachment in the no-build zone / no disturb zone. There was some portion in the 100 foot buffer zone. Only the edges of the leaching field and reserve area would come into the no-build area, but it is not a structure and it will be pervious surface. The only disturbance will be for the installation.

They were willing to:

- make the patio pervious per an order of conditions
- install granite monuments to delineate the no-disturb zone
- accept a condition to place appropriate fencing to block the no-build zone in order to prevent future temptation to start using the no-build zone

V.Cookson asked about whether other permits have been secured, such as the Board of Health. J.Favazza noted they need Conservation permission first as it is the most difficult to get, and the Commissioners may condition their vote on a successful Board of Health permitting process. N.Baker asked how the imperviousness has changed and J.Favazza responded the driveway is pervious crushed stone, just wide enough for two cars parked side-by-side. There was additional discussion regarding drainage, and the property owner described the roof recharge areas, the roof infiltration areas, drain lines, and the driveway materials. N.Baker stated that the fencing as a deed restriction would help to assure the Commission the no-disturb zone would remain untouched. The owner asked what caliber of trees the Commission is interested in knowing about in terms of tree removal. V.Cookson requested a planting schematic to show what trees would be removed and replaced. There was discussion of using native trees and of replacing trees one-for-one. J.Favazza will submit a revised plan by April 15 for inclusion in the next meeting's packet.

Vote: *The Commission voted by roll call to continue the public hearing on 470 Essex St DEP#172-0655 to the next meeting on April 23, 2025. (S.Coddington abstained.)*

Continued 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 and displayed a map showing the Hamilton portion of the project. DCR intends to mill and overlay the existing roadway; erosion controls will be established for the work and all activity would be in the buffer zone and riverfront area. This is a bordering land subject to flooding. There will be no changes in elevation, so there will be no loss of flood storage capacity within this area. There was discussion at the previous meeting and during the site visit regarding the culvert replacement, where DCR intends to install the culvert in the same size and the same elevation as the existing culvert so as to not change the hydrology in the area. N.Baker opined it was a missed opportunity to just replace the culvert and not do more to reconnect the two sides of the road hydrologically and help various wildlife species. It “bothered” her there was no improvement for the Hamilton portion of the roadway. T.Keogh said the work was a very simple maintenance project exempted under the Wetlands Protection Act as long as there are no proposed changes to stormwater management systems. DCR will remove the culvert from the application if the Commissioners object, and would restrict the project to the roadway repair. T.Keogh stated the culvert is collapsed, and if the replacement is not approved, DCR would not leave it that way, but the future replacement would depend on available funding and prioritization relative to all of the other DCR projects and properties across the State. S.Codding stated he was in favor of replacing the culvert now, as better to have a functioning culvert than not. V.Cookson agreed, but noted there was not enough water flow for the pipes in any case. N.Baker asked to require DCR to submit their plans earlier to provide an opportunity to negotiate.

Vote: The Commission voted by roll call to close the public hearing on 540 Highland St DEP#172-0657. (S.Codding, V.Cookson in favor, N.Baker opposed, M.Stolzhus abstained.)

Vote: The Commission voted by roll call to issue an order of conditions under the Wetlands Protection Act and Town Bylaws for 540 Highland St DEP#172-0657. (S.Codding, V.Cookson in favor, N.Baker opposed, M.Stolzhus abstained.)

Amended Order of Conditions: MassDEP #172- 0625, Bridge Street & Miles River Road, Hamilton, MA.

Applicant: Timothy Olsen

Representative: Matthew Perry, The Engineering Corp

Project: Minor changes to the layout and location of the drainage system and to detail proposed pavement maintenance activities. Most of the proposed work is located within the 100-foot Buffer Zone, and the 200-foot Riverfront Area. No one was present to speak to the application.

Vote: The Commission voted by roll call to continue the public hearing on MassDEP #172- 0625, Bridge Street & Miles River Road, Hamilton, MA to the next meeting on April 23, 2025.

Request for Determination of Applicability: Hamilton Wenham Rod & Gun Club, 500 Chebacco Road, Hamilton, MA.

Applicant: Patrick Cullen Property

Owner: Town of Hamilton

Representative: Paul Moginot II of MLM Landscape

Project: Proposed ground maintenance, invasive plant removal, tree removal and similar activities. Most of the proposed work is located within the 100-foot Buffer Zone, Bordering Vegetated Wetland, and the 200-foot Riverfront Area.

V.Cookson stated she is a member of the Rod & Gun Club and recused herself from the discussion. B.Barstow facilitated. P.Moginot explained the proposed project to clean up the grounds, complete some tree removal of small trees (6inch diameter) and a few dead birch trees, clean up the path, chip debris and leave it behind. There is trash and debris that will be removed also, as there used to be an old dump on the site. He showed pictures of the site and described how it will be cleaned up, including removing invasive vines and downed trees. They are trying to make the grounds safer and more usable; it has not had upkeep for approximately 40 years. He displayed a google map of the site to show where the clean up will take place on the property. There is a wide existing path that can accommodate the equipment that will be used, including a bobcat and a chipper. David Perinchief, the Vice-President of the Club spoke about blue dye that is present in the pond. He noted that the long-term plan is to fix the club up and make it accessible to the senior center and youth programs. The dye is a non-invasive

and environmentally safe, it is specifically for ponds to make it a little darker to help the stocked fish survive longer through the season and prevent algae blooms as the pond is only 12 feet deep. It is man-made dugout pond that was dug when the dump was topped. N.Baker expressed concern that clearing vegetation so close to the waterline will cause the bank of the pond to destabilize. P.Moginot stated they would not remove everything, or clear cut, the plan is to cut some clearings to create access to the pond, and allow other things to grow. B.Barstow noted there should not be grinding of the small trees. M.Stolzhus stated he did not see any issue with removing dead material or invasive species, but the activity itself is subject to the regulations and requires a more formal plan and permit application. It was also noted invasive species should not be chipped on site, they should be removed and disposed of away from the resource area. Vista pruning of tree branches is allowable. D.Perenchief explained that work will be done through work parties with hand tools over the course of a couple of years. M.Stolzhus recommended hiring a consultant to help with a notice of intent. There was continued discussion of the pace and intensity of the work to be performed. The Commission agreed there could be a letter approval for taking down the dead and dying trees as a starting point, following a site visit from B.Barstow. The Commission agreed a Notice of Intent would be required to cover the other planned activities.

Vote: *The Commission voted by roll call to issue a positive determination of applicability for 500 Chebacco Road, the Hamilton Rod & Gun Club.*

PUBLIC COMMENT (3 minutes on topics not already on the agenda) There was none.

MINUTES: March 15, 2025 – The review of minutes was postponed to the next meeting.

ENFORCEMENT ORDERS/VIOLATIONS:

1. 185 Bridge Street (58-9-53) – issued March 14, 2023, reissued May 23, 2024

It was noted that Mark Connors, Planning Director, was going to talk about next steps, but he has a conflicting meeting at this time and has not been able to attend. B.Barstow will follow up with him.

- There was brief discussion of reorganizing the Committee, it was postponed until all members are present. The possibility of advertising for new members was proposed.
- N.Baker asked they keep the proposed tree form under discussion, and try to move forward with it. N.Baker and B.Barstow will work on a next draft.
- The next Conservation Commission meeting is currently scheduled for April 23, 2025.

Adjournment – *The Commissioners voted unanimously by roll call to adjourn at approximately 9:15pm.*

Documents:

- *Notice of Intent – 470 Essex St*
- *Notice of Intent – Roadway resurfacing at Bradley Palmer State Park*
- *DEP # 172-0625 – Drainage and Paving Improvements - Bridge Street & Miles River Road Hamilton, MA - Request for Amended Order of Conditions*
- *Request for Determination of Applicability – Hamilton Rod & Gun Club*
- *Minutes of March 12, 2025*

Respectfully submitted by D. Pierotti, Recording Secretary, 4.21.25.

The minutes were prepared from video.