



**Town of Hamilton
Conservation Commission
Meeting Minutes of May 14, 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 May 14, 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 7:00 PM. She identified the meeting was being recorded and those present: V. Cookson, S.Coddington, N.Baker, D.Kelly, M. Stoltzfus. 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.

J.Favazza displayed the site plan and explained how the plan was revised based on the comments from the Commissioners and abutters. The entirety of the planned structure was removed from the no-build and the no-disturb zone; some of the subsurface of the leaching area is in the no-build zone. The only 15 inch tree they could find would not be touched. The rest of the trees are small. They propose adding five new trees, shown on the site plan, to be between the no build and no disturb zones. J. Favazza showed a sample of the granite posts proposed to delineate the no disturb zone. He believed these strategies would help separate the backyard from the no disturb zone. He also confirmed with Bill Manuell the wetland flagging is still in the right place. J.Favazza summarized the request for an order of conditions to allow for construction of a single-family dwelling in a buffer zone to an inland resource area.

- **Walter Meinbaum, abutter**, reminded the Commission in the early 1980s the Zoning Board of Appeals (ZBA) determined this was not a buildable lot under the bylaws of the Town of Hamilton. He noted if the Commission intended to require septic approval in the order of conditions, they also state no permit could be issued without reconsideration of the ZBA of the previous determination the lot is not buildable. The applicant responded by identifying the area he is working is all fill, which was never approved, so the Commission is being asked to bless a 40-year-old act of environmental mayhem.

V.Cookson stated the Commission can't issue a permit on a piece of land that is not allowed to be built on by another town entity; it depends on other departments. She expressed concern over the leaching field in the no disturb zone. There was discussion about the specifics of the fencing, including materials and height from the ground, and on the vegetation and species of trees, the design of the roof drains, and the drainage ditch. J.Favazza acknowledged they understand approval is still required from all other relevant town boards. There was additional discussion among the Commissioners regarding the length of time required before a Certificate of Compliance can be applied for.

Vote: *The Commissioners voted to close the public hearing.*

Vote: *The Commissioners voted 3-0-2 to approve an order of conditions for DEP#172-0655 with special conditions consistent with what has been discussed. (three in favor, two 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.

The applicant requested the application to be continued to the Commission's June 11, 2025 meeting to allow the Planning Board time for review. The Planning Board will put this on their June agenda.

Notice of Intent: MassDEP #172- 0658, 32 Day Avenue, Hamilton, MA.

Applicant: Maurice & Jill Twomey

Property Owner: Alan Minsky

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

Project: Proposed construction of a rear deck off the rear of a home. Most of the proposed work is located within the 100-foot Buffer Zone.

Bill Manuell reminded everyone this is a project to build a deck on the rear of the house. He showed a site plan and summarized the deck is only 12 feet wide, and there is 147 feet of incursion into the no-build zone. At the previous meeting, the Commission was concerned about the amount of mitigation, and this time the applicant is proposing 1,250 square feet of mitigation in exchange for supporting the waiver for the 147 square feet of the above ground deck in the no-build zone. They are moving the edge of the lawn, and install hedges and allow the rest of the area to be natural. The hedge will demarcate the edge of the mitigation area. B.Manuell reminded the Commission the deck will be constructed with diamond pier post supports; these do not disturb root systems of the nearby trees. The Commissioners were satisfied with the plan and thanked the applicant for addressing their concerns.

Vote: *The Commissioners voted to close the public hearing.*

Vote: *The Commissioners voted to issue an order of conditions for DEP #172-0658, 32 Day Ave.*

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

MINUTES: *The Commissioners voted to approve the minutes of* **March 26, 2025, April 23, 2025.**

ENFORCEMENT ORDERS/VIOLATIONS:

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

B.Barstow summarized an April 23 communication from the Town Planning Director, Mark Connors, who recommended the Commission appoint a member with the power to negotiate on behalf of the Commission for 185 Bridge St, to meet with the Town Manager and the property representatives in hopes of reaching a resolution. The Commissioners agreed that V.Cookson would be the representative.

New Business:

- The Commissioners discussed reorganizing, but there was not a candidate for chair who came forward. They briefly discussed trying to recruit more members to fill the vacant seats.
- The next Conservation Commission meeting is currently scheduled for May 28, 2025.

Adjournment – *The Commissioners voted unanimously to adjourn at approximately 8:30pm.*

Documents:

- DEP # 172-0625 – Drainage and Paving Improvements - Bridge Street & Miles River Road Hamilton, MA - Request for Amended Order of Conditions
- Minutes of March 26, 2025 and April 9, 2025

Respectfully submitted by D. Pierotti, Recording Secretary, 5.22.25.

The minutes were prepared from video.