Town of Hamilton
Conservation Commission
Meeting Minutes of March 12, 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 12, 2025 at 7PM via Zoom. *This meeting was recorded.* Commissioners: Sandy Codding, 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 Commissioners.
Interim Chair Cookson called the meeting to order at 7:00 PM, identified the meeting was being recorded and those present: V. Cookson, D.Kelly, M. Stoltzfus, N.Baker. Not present: S.Codding.
Also present: Bethany Barstow, Conservation Agent. Others present as noted in the minutes.

PUBLIC MEETINGS & HEARINGS:
Request for Certificate of Compliance: MassDEP #172-0493, Town Wide in Hamilton.
Applicant: Carol Lloyd, Essex County Trail Association (ECTA)
Representative: Abigail Manzi & Michael J. DeRosa, DeRosa Environmental Consulting, Inc.
Project: Proposed routine maintenance plan for the Town's trail system and landowners when requested. The proposed maintenance includes: brush clearing, debris removal within the trail footprint, top-dressing, grading of existing trails, placement of new trail substrate (3/4 inch stone pack, tailings), construction of elevated boardwalks, installation of beaver deceivers, and replacement of culverts in areas, as needed.
Evin Guvendiren of DeRosa Environmental spoke about the plan to facilitate maintenance on the ECTA maintained trails throughout the Town of Hamilton. As the work has been completed, they are requesting a Certificate of Compliance (CoC) for the management plan. However, there is a perpetual condition that the management plan shall survive the issuance of the CoC. If the ECTA has any specific maintenance projects coming up, they will follow the same process to meet with the conservation agent and confirm that the project is in line with the management plan before it takes place. C. Lloyd spoke on the process they would use relative to any work being done on the Hamilton trails. The map of trails is included in the packet. N.Baker questioned the use of tailings as a material, as they are not referenced in the erosion control plan, but are noted in the ECTA document and the Hamilton trail plan. C.Lloyd explained that tailings are small gravel stones, and if they were to be used on a trail, it would be documented in the scope of work for that project. N.Baker also noted that the projects should comply with stormwater management to the extent practicable. The CoC will note these and other perpetual conditions that will remain in place.
***Vote**: The Commission voted unanimously to approve a Certificate of Compliance for the trail project by the Essex County Trails Association, #172-0493.*

Notice of Intent: MassDEP #172- XXXX, 31 Bradford Road, Hamilton, MA.
Applicant: Richard and Karl Hayes
Representative: William Manuell, Wetlands & Land Management, Inc.
Project: Proposed installation of a repair of septic system within 100-foot buffer zone to BVW (bordering vegetated wetlands).
W. Manuell was present and spoke on the project and noted he has not been not able to get a DEP file number but expects to have it soon. He explained the wetlands he flagged are just off the back of the property. There are currently two cesspools close to the wetlands, which will be replaced with a septic system. They will have to abandon the pits, pump them out, and bring in earth to fill them, which is the reason for the filing. The work area is compact and accessible, and there will be no stockpiling of materials. The owners are preparing to sell the home and are proactively taking this step to upgrade the septic. B.Barstow suggested additional erosion controls, and W. Manuell agreed to update the plans accordingly. The new system includes a 1,500 gallon tank. Once the DEP file number has been assigned, the project can be approved and paperwork filed; this should be ready for the next meeting. V.Cookson questioned a few things in the application that need to be corrected; B.Manuell will provide a clean copy for the files.
***Vote**: The Commission voted unanimously to continue the public hearing to the next meeting on March 26, 2025.*

Notice of Intent: MassDEP #172- XXXX, 470 Essex Street, Hamilton, MA.
Applicant: Roger Leblanc
Representative: Joel Favazza, Seaside Legal Solutions, P.C.
Project: Proposed construction of a single-family home & associated amenities: driveway & septic system within the 100-foot buffer zone.

J. Favazza was present and spoke on the project. DEP recently assigned file number #172-0655. He displayed a site plan showing the project to construct a single-family home. Nothing is being proposed in the no-disturb zone, however, they are requesting to put 360 square feet of house footprint in the no-build zone. In exchange they are proposing to use part of the no-build zone as a no-cut, or no disturb zone. It would be demarcated with granite posts, to make sure no activity takes place beyond that point. Part of the proposed leaching field is also in the no-build zone. There is a 25-foot setback from Essex St, therefore the house may not be situated any further forward in the lot.
V.Cookson proceeded to outline the history of this site, including an application to build a house in 2015. She explained many conservation commissions in Hamilton have determined building on this site would have a negative effect on the wetlands. J.Favazza responded this is a different plan, and believed the bylaws allow for waiving certain requirements that would otherwise render the property useless. V.Cookson noted waivers are not granted easily. M.Stolzfus observed the site is unique, and agreed the regulations create an unbuildable lot and opined a strict interpretation should not be applied here as it is a unique site without other building options. N.Baker recommended a site walk, and further noted the burden of proof is on the applicant, to demonstrate the hardship. J.Favazza clarified a hardship is present, as they are not allowed to build any farther forward. The Commission agreed to a site walk on Monday, March 17 at 10AM.

- **Walter Meibaum**, Whipple Road, commented the history of the site goes back 40 years and the lot has been determined to be unbuildable by the Zoning Board of Appeals. He questions how the current applicant can claim hardship given the ZBA has declared the lot is not suitable for a house.
- **Chip Denton**, Whipple Road, said the original owner couldn't sell the lot because zoning wouldn't permit a building. He stated the project was not welcomed by the abutters citing a house does not fit on the lot; he did not believe this was a hardship case.

***Vote**: The Commission voted unanimously to continue the public hearing on 470 Essex St to the next meeting on March 26, 2025.*

INFORMATIONAL: Miles River Watershed Action Plan, Ipswich River Watershed Association (IRWA) MVP Project led by the Town of Wenham - Molly Courson of the IRWA was present to describe the project being led by Wenham, as part of the State Municipal Vulnerability Preparedness (MVP) Program**.** The Miles River watershed is a sub watershed of the Ipswich River, and is the largest tributary in the lower Ipswich River Basin. Environmental concerns regarding the river include flood risk, drought risk, loss of biodiversity, invasives, and lack of access to the river. The project includes stage 1- data collection & community engagement, stage 2 - data analysis & development of nature-based solutions, and stage 3 - final plan & collaborative framework. Additional information is available through the IRWA or the Director of Land Use in Wenham.

ENFORCEMENT ORDERS/VIOLATIONS: 185 Bridge Street (58-9-53) issued March 14, 2023/reissued May 23, 2024 This enforcement order is for lot 9 of the Bridge St lots. Because M.Connors had to attend the Planning Board meeting and could not be at this meeting, the Commissioners agreed this discussion be held until M.Connors could be present.

- The next Conservation Commission meeting is currently scheduled for March 26, 2025.

Adjournment – *The Commissioners voted unanimously by roll call to adjourn at approximately 8:38pm.*

Documents:

- *Request for Certificate of Compliance from DeRosa Environmental re: ECTA Trails*
- *Notice of Intent Application – 31 Bradford Rd.*
- *Notice of Intent – 470 Essex St*
- *Planning for a Resilient Mile River Watershed*

Respectfully submitted by D. Pierotti, Recording Secretary, 3.24.25.
The minutes were prepared from video.