

HAMILTON CONSERVATION COMMISSION

MINUTES OF MEETING

January 11, 2017

Memorial Room, Hamilton Town Hall

Members Present: Richard Luongo (Chair), Keith Clinton, Virginia Cookson, Bob Cronin, Chris Currier (7:04), Tom Myers, and George Tarr (7:02).

Coordinator: Jim Hankin

Also present: Open Space Committee members Anne Gero, Gretel Clark and Rosemary Kennedy

This meeting was called to order at 7:00 pm with a quorum established.

Minutes

Motion to approve the minutes dated, December 14, 2016 made by Tom Myers.

Seconded by Virginia Cookson.

Unanimous to approve.

Patton Homestead Discussion.

Jim Hankin announced the Commission would need to continue the discussion on the new survey plans for infrastructure at Patton Ridge development. Alan Berry had indicated that the survey might arrive later in the week. The discussion of the plans will be on the agenda for the 25th.

Discussion ensued regarding the possibility of formal Conservation Restriction (CR) on the 9.1 acres of Open Space land at Patton Homestead. Town Counsel and the Town Manger had talked to Jim Hankin regarding transferring the deed for the land designated as Open Space, or the creation of a CR, from the Town to the Commission. Town Counsel and Town Manager indicated that the certified copy of the Town Meeting vote would give sufficient protection from development.

George Tarr considered the degree of protection provided under Town Meeting vote and continued that if the Town could vote to give it to the Commission, could a Town Meeting vote in the future take it away. If the property were under a CR, it would be protected as it was a State restriction. If the recorded vote was to give the land to the Commission for open space, Article 97 would make the vote subject to a legislative vote.

Anne Gero said case law indicated the Commission needed something that would provide evidence of intent that the land needed to be permanently protected and that the Land Trust recommended land protection needed to be done via a deed. Richard Luongo referred to a

property he was involved in that was set aside for fish and game scientific research and maintenance, which was a parking lot so it needed to go to the legislature to change it.

Anne Gero noted the language of the recorded vote which indicated perpetual open space protection. This language obviates the need for a CR to gain Article 97 protection.

George Tarr asked about redrawing the lot lines to add to the 9.1 acres all of the wetlands on the property, and the triangular piece of land which leads to the canoe launch. Mr. Tarr asked how the Commission felt about the proposal being brought forward as a private item at Town Meeting. Jim Hankin indicated that procedures existed for citizen petitions to be added to a Town Meeting warrant and that Town Boards adding warrant articles are subject to different procedures.

Town Manager told Jim Hankin that considerable thought went into selecting the area which comprises the 9.1 acres. George Tarr questioned the specifics of the reasoning behind the decision. Richard Luongo asked if it made sense to add the wetlands to the 9.1 acre parcel because the Commission already had regulatory control over them.

Since the condos had been built and the land transferred, there were three separate identified areas, the ownership of condominiums the land owned by the Town with part of it dedicated to the Commission Keith Glidden wondered what would be the considerations now for drawing new lot lines. The Town Manager said that he was willing to work with the Open Space Committee regarding access to the canoe launch and the Homestead in general, but the lot lines were unlikely to be changed. Mr. Tarr reiterated that he would like to know the reasoning behind the initial decision on the 9.1 acres configuration.

Richard Luongo recalled that while the Town gave the Commission authority and control over the 9.1 acres, he did not recall being invited to any meeting regarding the division of the property. Mr. Luongo also stated that he did not think the Town Manager would change his mind.

Virginia Cookson said the open space configuration was proposed for the protection of the development, but the Town wanted the Commission to have stewardship over it. The triangular piece was well thought out so it should be left with the other homestead part which increased the value of the property. If the Town could not use it, they could sell it.

Gretel Clark spoke regarding the Open Space criticism of the “no trespassing” sign even though \$15,000 had been spent for the viewing platform. While Ms. Clark said it took two visits to the Selectmen and a letter to the Chronicle to have the sign removed, Jim Hankin stated the sign was down before the letter was printed. The administration was fully behind the passive recreation of the property. Jim Hankin asked for direction from the Commission as to whether to pursue a Town Meeting article on the Patton issues or have additional discussion at future Commission

meetings. It was agreed that a discussion with the Town Manager should come before moving forward with an article.

Anne Gero said she had reviewed the RFP for the Homestead and that it was due in March, suggesting that part of the Town's reluctance was due to waiting for responses. Ms. Gero was disappointed that the only access to the property was the trail down to the boat launch. Jim Hankin would contact the Town Manager and try to arrange for him to attend a future Commission meeting on the Patton issues.

Central Street Parcel Discussion.

There had been a site walk the previous Saturday. Jim Hankin said he didn't know what the Commission would do with the parcel, which was currently being used by the neighborhood as a leaf dumping site. Along with a tree covered slope, there were wetlands outside the boundaries of the parcel and a small, isolated wetland area at the bottom. Discussions on site included prohibiting commercial dumping by putting a gate across the access to prevent vehicles from dumping. Neighbors would be alerted that it was no longer a dumping area.

Virginia Cookson suggested asking the neighbors to clean the parcel up and use it for recreation. There were boats on possibly on the site, but it was unclear where the property line was. Mr. Hankin would send letters to abutters to stop dumping and find out what the language of the Town Meeting vote.

MACC Conference, Saturday March 4 2017.

The courses were not yet available.

Discussion Topics for January 25, 2017 Meeting

The Patton Homestead survey plan, a permit for a septic plan, the MACC letter, and Pingree School resource delineation would be topics for the next meeting.

Coordinator's Report

Jim Hankin introduced a MACC item which was a letter for Commission across the Commonwealth to consider gas pipelines. Mr. Hankin reported that 30 Commissions had already adopted the letter to encourage the governor to veto bills which would allow interstate natural pipelines. The Commission will discuss this issue at their next meeting.

Ethics Laws Notification papers needed to be signed and returned.

Motion to adjourn made by Robert Cronin

Seconded

Vote Unanimous to adjourn at 7:55 pm.

Prepared by:

Marcie Ricker

Attest

Date