

HAMILTON CONSERVATION COMMISSION

MINUTES OF MEETING

August 16, 2017

Meeting at the Memorial Building.

Members Present: Virginia Cookson, Bob Cronin, Richard Luongo (Chairman), and George Tarr.

Coordinator: Jim Hankin and Michael Lombardo (Town Manager)

Others Present: Natasha Molnar, 246 Echo Cove Rd., Tyler Ferrick; DeRosa Environmental Consulting Inc., Charlie Wear, Meridian Associates, Bob Foote, Foote Brothers, Inc.

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

Conservation By-law Amendment

A draft revision to the Conservation Bylaw has been prepared which changes the rule that applicants must obtain all local approvals before filing a Notice of Intent with the Commission. The change would allow simultaneously filing of an NOI with applications with applications before the other land use Boards in town

Michael Lombardo said the change was to address concerns raised about the lengthy time delay for land use project approvals. Having the Conservation Commission process run parallel with other Board approvals could address some of this delay. Mr. Lombardo asked if the Commission had discretion as to when an application could be placed on agenda. Jim Hankin responded that the Commission must consider an application at a public meeting or begin the public hearing within 21 days of filing an administratively complete application. Until the public meeting or hearing the Commission does not review projects. Jim Hankin said that he routinely reviews all application as staff prior to the meeting and consults with the applicants and their representatives.

Virginia Cookson thought it would not be helpful to have a formal preliminary review with all Boards because large projects are often modified during Planning Board review. Ms. Cookson suggested having applicants file an application with the Commission to have a determination of the wetland line which can be accepted under the bylaw at any point in time. Ms. Cookson thought big projects needed to have that done. She said she had not experienced any big delays with once the Commission received an application under the current rules. Ms. Cookson expressed the view that the delay problem didn't exist, as far as Commission review of projects goes, so there was no need to do anything about it.

Jim Hankin explained that the process to apply to determine the wetland line, which was separate from construction approval is not subject to the Bylaw rule.. Mr. Hankin recalled that the

delineation approval first process was what the Patton Ridge condos did. The current Pingree project for new turf fields did this as well. The applicant would then know the line and could tailor their project to meet wetlands setbacks for Commission review. Mr. Hankin added that applications move through the Commission quickly under this approach. If there were a parallel process, the Commission would hold up the decision until the Planning Board finished their approval process so they could see the final product. Michael Lombardo would take the Commission's insights back to the Selectmen to see if they wanted to pursue changes or not. Virginia Cookson responded that she wanted to work with the Selectmen but at the moment, she didn't think the change was necessary.

Patton Homestead and adjacent Open Space Parcel

The Commission, at previous meetings, has had discussed the idea of adding land to the 9.1 acres of designated open at the Patton Homestead. They had invited the Town Manager to a meeting to discuss the idea.

According to Michael Lombardo, the gift agreement with Mrs. Patton specified up to twelve residential units in a certain location, which proved to be unbuildable. Mrs. Patton was asked to change the location and she agreed. The developer constructed the project after receiving a permit under the Senior Housing Bylaw which requires a certain amount of acres of open space. The developer prepared an open space plan of land which met the minimum requirements of the Senior Bylaw and was also contiguous with the residential parcel. This also allowed for the Homestead parcel to have more land for more use options. Patton Homestead, Inc. thought preserving the area, which the Commission is interested in, for events, was a good idea.

George Tarr presented a plan he sketched out (plan available in the Commission office) which shows proposed new open space lot lines outlined in green. The new areas would include the pond, the buffer zone to the pond, the canoe launch and the small section of land along the wetlands. There would be an additional 6.6 acres approximately.

George Tarr suggested the creation of a wetlands garden on the north side of the pond, which was currently a mowed field. The garden would have garden plots, paths, and plants with labels. Michael Lombardo said he had spoken with the Hamilton Wenham Garden Club, who were considering putting in a children's garden or farm to table learning environment. Mr. Tarr said a wetland garden would not impact the vista. Mr. Lombardo thought it made sense. Mr. Tarr said it presented an opportunity for the Conservation Commission to educate the public and create an attraction for Patton Homestead. Donna Brewer would be asked how to transfer land from one Town entity to another. Mr. Lombardo added that the Garden Club might seek a grant. The Town Manager and the Commission would follow up on these ideas for future discussion and decision.

Request for Determination 246 Echo Cove Road.

Natasha Molnar requested approval for two footings to hold up a set of stairs on a deck. Jim Hankin presented a photo of the project area. There would be disturbance to shrubbery and the existing lawn, which extended to the lake. The footings would be hand dug and soil would be used on the property.

Virginia Cookson moved to issue a negative determination under the State law and the local By-law with no additional conditions or erosion control.

Seconded by George Tarr.

Vote: Unanimous in favor.

Notice of Intent Map 1, Lot 2, ECGA

Richard Luongo declared the public hearing open. Charlie Wear, Meridian Engineering and Bob Foote, owner of Foot Canoe presented the dam maintenance project. Also present was Tyler Ferrick of DeRosa Environmental. The applicant had already received approval from the Ipswich Conservation Commission for this project's work on the Ipswich side of the Dam. Mr. Wear showed the location of the existing fish ladder on the dam and the trail system on Greenbelt land. The Foote family owned the dam and Greenbelt owned the balance of the land in Hamilton. A new fish ladder was being installed on the Ipswich side. The old concrete fish ladder was installed in the 1940's, but not many fish were able to get through it. The stone dam was built in 1829 and was in overall good condition but needed work based on a recent state inspection. The abutment would have maintenance and the State dam inspector's outline would be followed in regard to erosion and elevation.

The old fish ladder on the Hamilton side would be filled with round river stone, allowing access for eels to get up and down the river. The plan also shows repair of banks and other land adjacent to the river which has been significantly eroded over the years. Coir logs, which are barrel shaped and made of coconut husks, bio degradable, would be used in areas of bank shown on the filed plan and supported by stakes, backfilled with loam, seeded, and covered with hay mulch. Peastone over 6" of rip rap would be applied to other areas shown on the plan.

The old timber on the dam itself would be replaced during a low water period. The gate would be replaced and could be used to lower the water level. The wall would be repointed during low water. The balance of the work would be conducted this fall. A small dump truck could access the path above the project to stock pile material. A skid steer might be used on the narrow pathway.

There would be some erosion control during the work but there would not be a lot of exposed soil compared to what was exposed currently. The Order of Conditions would be issued after DEP issued a file number. Charlie Wear noted that DEP had no comments for the Ipswich filing,

which was more extensive. Jim Hankin suggested keeping the hearing open until the file number was issued. .

Virginia Cookson noticed the elevation went up to 30' but the damn was only at 23'. Over topping of the bank would be at 5' to 6' and flood stage was at 7'. The Hamilton side experienced over topping more frequently than the Ipswich side. The applicant was not trying to stop the over topping, but was trying to prevent washing away. Bob Foote noted that when children toss stones into the river, it decreased stability of the shoreline over time, which is detrimental. The applicant preferred to bring the grade up, but Greenbelt, owner of the land in Hamilton, did not agree with that. Greenbelt signed the NOI which is before the Commission indicating consent to all work proposed in the NOI.

Motion to continue the hearing, for the issuance of a file number by DEP, until September 13, 2017 with the applicant's consent made by Virginia Cookson.

Seconded by George Tarr.

Vote: Unanimous in favor.

Certificate of Compliance 3 Veranda Circle

Jim Hankin explained the COC was for a project from 2005 for a dock into Beck's Pond. The permit that was approved was for a much larger dock. What the applicant decided to build was much smaller and seasonal, not permanent. The property was getting ready to be conveyed so Orders of Conditions were on record and a Certificate of Compliance was needed for conveyance.

The original dock was 30' long while the permit was for an 80' long dock. Restoration work was completed about ten years before. Jim Hankin reviewed the area again and found it to be fairly lush and that where trees were cut down, there was proper in water vegetation. Mr. Hankin said the new owner would only have be able to use the existing dock and would not be able to increase the dock to 80'.

Virginia Cookson made motion to issue a Certificate of Compliance for the dock at 3 Veranda Circle.

Bob Cronin seconded.

Vote: Unanimous in favor.

Topics for Discussion at September 13, 2017 meeting

Minutes

Motion to accept the minutes for July 26, 2017 made by Virginia Cookson.

Seconded by George Tarr.

Vote: Unanimous in favor.

Coordinator's Report

Motion to reappoint Virginia Cookson to the Chebacco Woods Land Management Committee with the term to last until June 30, 2020 made by George Tarr.

Seconded Bob Cronin.

Vote: Unanimous in favor.

One of the issues driving the perceived problem with the Commission's By-law is the Pingree artificial turf field project, according to Jim Hankin. Apparently, the project was approved and the Planning Board who have yet to issue their formal decision. The Commission would hear the application as soon as Planning Board issued a decision. The Commission agreed that another site walk (September 9, 2017) would be appropriate. Playing fields would be staked out. Mr. Hankin did not think the Town Manager would be aggressive pushing By-law changes.

Adjournment

Motion to adjourn made by Bob Cronin.

Seconded by George Tarr.

Vote: Unanimous to adjourn at 7:51 pm.

Prepared by:

Marcie Ricker

Attest Date