

HAMILTON CONSERVATION COMMISSION

MINUTES OF MEETING

September 27, 2017

Meeting at the Town Hall, Memorial Room.

Members Present: Virginia Cookson, Bob Cronin, Chris Currier, Keith Glidden, Richard Luongo (Chairman), Tom Myers (7:08 pm) and George Tarr.

Coordinator: Jim Hankin

This meeting was called to order at 7:00 pm with a quorum established. Jim Hankin listed the materials that were presented to the Conservation Commission in their packets and explained the public hearing process.

Notice of Intent Public Hearing. Pingree School, 537 Highland St.

Richard Luongo opened the public hearing for the installation of a new parking lot, relocation of trails, and associated grading and drainage.

John Amato of JJ Sports represented Pingree School and gave an overview of the project. Mr. Amato stated that the project consisted of upgrading and improving the sports facilities at Pingree School. Athletics are considered co-curricular with education at Pingree School. Most private and public schools are striving to coordinate athletics with education. Mr. Amato indicated that Pingree seeks to compete with peer institutions in this area.

John Amato said the applicant was upgrading to a synthetic turf field and a six lane track, including eight straight lanes. Current seating had been relocated to the north side of the track. All of that proposed work is outside Commission jurisdiction. The 52 car parking area includes six ADA spaces and in Commission jurisdiction. The gravel driveway, also in jurisdiction would be moved and widened to become a code compliant entry drive. The parking lot area would have nine 16' tall LED light fixtures and 42" tall bollard lights. The softball field would be relocated. The existing field was over two acres to accommodate the track and throwing event area and the proposal added two acres for more program needs, some of which were in the woodland area.

John Amato noted there was priority habitat identified in the entire area. Mr. Amato noted that a "no take" letter from Natural Heritage has been received. All work is over 300' from the Black Brook itself but there is also a bordering vegetated wetland associated with Black Brook which creates some jurisdictional area over the east side of the project, adjacent to the proposed track. In addition there is a small wetland area adjacent to Highland St which creates jurisdiction over the proposed parking lot and drainage system.

An existing trail would be relocated with the guidance of Essex County Trail Association (ECTA). The relocation work will be in Commission jurisdiction.

According to John Amato the existing driveway provided access to grass surface parking, which was within the buffer zone and the no disturb zone. Mr. Amato added that the area was in the no disturb zone since 1983. Soil had been compacted with parked cars since then. Mr. Amato suggested tilling the area up and replanting it with buffer zone species rather than leaving compacted soil. Mr. Amato referred to his letter of September 19 which presented a case to rebut the presumption that any work in the no disturb zone adversely impacted the resource area. Mr. Amato also noted that in this letter he withdrew his request for a waiver from bylaw regulations.

An infiltration basin with an overflow and level spreader was proposed under the parking lot. John Amato described how water would flow in the parking lot. Mr. Amato's indicated that his engineering analysis and storm-water management report demonstrates that the project meets storm water management standards.

Phase II of the project included the softball field relocation. Mr. Amato described in some detail drainage feature of the entire work area the great majority of which is outside Commission jurisdiction.

The sports field has six 90' LED light poles. As part of the Planning Board process, the applicant agreed to a lighting and sound schedule. The lighting schedule included no lighting after 9:00 pm and no lights on Sunday. The proposed stockade fence would stop lights from hitting Tom Catalano's house.

Jim Hankin read the comment regarding the proposal from DEP (DEP comment on file in Commission office). John Amato submitted a report in response to the comment and discussed it with the Commission. The Amato reply is also on file in the Commission office.

Mr. Amato next described the artificial turf surface all of which is outside Commission jurisdiction.

The Chairman opened the hearing to comments from those attending.

Tom Catalano a direct abutter to the project said the trail was not protected currently and wanted the Conservation Commission to request a restriction. Mr. Catalano noted that Pingree was cutting down virgin woodland and that they did not offer a payment in lieu of taxes. Jim Hankin replied that the Commission should not make acceptance of a Conservation Restriction by Pingree School on their property a condition of approval. Richard Luongo added that if the trail was not in the buffer zone the Commission would have no jurisdiction to order anything at all.

Jock Burns (Pingree) said the Board of Trustees were not in favor of issuing an easement such as a conservation restriction and had met with Susan Lawrence (ECTA) regarding trails.

Richard Boroff, Planning Board liaison to the Commission recalled that the solution presented had been discussed with the Planning Board. The solution was part of their decision and the plan.

David Santomenna of Highland St. offered his concern about the conditions imposed in the Blackbrook corridor and wanted the Commission to focus on the activity with the hope to obtain a Conservation Restriction along the corridor. Mr. Santomenna noted the priority habitat in the area and the clear cutting of 1.85 acres of mature wood land. Mr. Santomenna thought the changes would be dramatic to the neighborhood that had not experienced much change.

Rosemary Kennedy of Rust St. offered her concern regarding health for children. John Amato responded that there were no indications of health risks as of 2014. In 2016 the DCD and the EPA conducted a joint study to evaluate the effects of rubber turf fields. Ms. Kennedy said work was remarkably close to wetland jurisdiction and thought chemicals might seep into the water supply. Ms. Kennedy said there were gaps in the available information and that there were several different companies that produced tires creating a lack of uniformity of rubber used in synthetic fields. John Amato responded that studies found no evidence of additional cancers. Richard Luongo added that public health concerns such as those raised by Ms. Kennedy are not under Conservation Commission jurisdiction and that these issues need to be raised in different forums.

Attorney Jill Miesel represented John Doherty, an abutter at 572 Highland. Ms. Miesel then introduced Larry Beals of Beals Associates an engineering firm. Mr. Beals, on behalf of Mr. Doherty, was concerned about 110 tons of rubber beads that would, over time, be pushed into the wetlands by storm events. He stated the need for an Operation and Maintenance Plan and it was questioned if an alternative analysis plan had been presented. He added that while the applicant had supplied information regarding compacted soils with a solution of having the area tilled and planted with blueberries, there was no detail regarding how deep the tilling would occur. Mr. Beals described a simple agrarian water drainage system that found its best course. This was being replaced by a complicated solution. Grease and oil would enter groundwater and that a snow management plan should be submitted. Ms. Miesel and Mr. Beals argued for separate Commission approval of Phase I and II. Mr. Beals noted the need for test pits versus soil borings in evaluating seasonal high water tables. Mr. Beals requested that the Conservation Commission keep the public open to further consider all these issues. Mr. Beals referred to his written comment on the project which is on file in the Commission office and which Commissioners had received at the meeting and by email prior to meeting.

Richard Luongo noted that cars currently parked on the grass and wondered what happened to the oil and run off as it infiltrated overland now. Mr. Luongo added that the project presented a

tremendous opportunity to correct a wrong from the past. Mr. Luongo noted that the parking area was a complex system within the Conservation Commission's jurisdiction while the playing field complex was outside the jurisdiction.

Mr. Glidden added that he wanted to keep the public hearing open to consider everything he had heard and to think about the possibility of obtaining a Commission peer review of the project paid for by the Applicant as provided in the bylaw regulations. Mr. Luongo agreed that he would like more time as well.

John Amato took the floor again he responded that Item 9 of the NOI was the Operation and Management Plan. He added that maintenance of the turf field would depend on which turf field company would be used. Water sampling could be provided for a certain amount of time. Mr. Amato said inspection of the outlet at the parking lot could determine if black rubber was collecting. A monitoring plan could be offered.

Zachary Peters of Lake Drive said determining seasonal high water via borings was unusual and suggested using test pits. Mr. Peters wanted the Commission to put in a condition that if any rubber was ever seen in the resource area, it would be removed and mitigated. Mr. Peters wanted to clarify that oils from the parking not go into the ground.

Motion made by Virginia Cookson to continue the public hearing to continue to October 11, 2017 at 7PM at 577 Bay Road Hamilton Town Hall on condition that applicant consent to this continuance. Motion seconded by Keith Glidden. Mr. Burns of Pingree consented to the continuance. A peer review would be considered to evaluate the jurisdictional issues and disturbances and review the responses by Mr. Beals and Mr. Amato's comments. The expected cost of Phase I would be \$1.5M depending on when it would be constructed.

Public hearing continued until October 11 at 7:00 pm.

Notice of Intent for the Hamilton Wenham Regional High School. 775 Bay Road.

Richard Luongo opened the public hearing for the installation of the artificial turf field and renovation of existing grass fields with associated drainage, grading, and landscaping at 577 Bay Road. Kathy Hervol of Gale Associates presented the project and an overview of the existing conditions. The multipurpose fields would be used for soccer, lacrosse, football, and field hockey. Lighting would extend the use time. The buffer zone was to the north of the existing football field and track fields and to the south of the baseball and practice fields. The proposal would be to redevelop these areas. The track would have an increased radius as it was built too narrow around the football field. New fields, such as those for women's lacrosse were wider and needed a safety run off area. The wider field was the reason the proposed track was increased and pushed to the north. The second multi-purpose field was for baseball, soccer and general practice area. Lights would be 70' high. Portable bleachers, dugouts, batting and pitching tunnels, and site fencing were also proposed on the site.

Later phases of the project included an improved entry pavement, concession stand, rest rooms all outside jurisdiction. A new grandstand and press box in jurisdiction may be part of later Commission filing but is not part of this permit request even though it is shown on drawings.

Wetland impacts were discussed. Existing conditions allowed water to drain back into the wetland. The new track would have all water drain into the turf field system. The main piping system would collect water, allow much of it to drain in place and then take whatever did not drain to an outfall. Stone would promote infiltration. The groundwater table was investigated using and test pits. No groundwater was discovered at 6' to 8' deep. Sandy loam soil is present which drains well.

The lights would shine downward from the 70' high poles with very little light leaving the athletic facility. One foot candle of light would leave the field. Baseball fields needed 50 foot candles, while soccer and football required 30. The applicant had approval with conditions from the Planning Board with conditions indicating lights would be off by 9:00 pm and no lights would be on Sundays.

Timing for the start of the project relied upon funding but the applicant needed a fully permitted project for fund raising. The budget is \$7M for everything proposed. The applicant decided to use a surface other than crumb rubber to eliminate those public health concerns and discussions. In previous installations, Gale Associates was required to monitor sites for contamination and found that in two cases water was of better quality than existing conditions and in no cases were contaminants worse.

Virginia Cookson asked about frost, but it was determined that frost heaving would not be an issue.

The public hearing was continued based on the request of the applicant until October 11, 2017 with a site walk on October 7, 2017.

Request to Extend By-law Permit. Second Extension 318 Forest St. DEP file number 172-0582 to install a Title V compliant septic system.

Virginia Cookson requested an extension for the permit for a septic system which was permitted September 2015. Ms. Cookson needed a one year extension. The installation has not begun.

Motion made by Chris Currier to extend the permit to September 24, 2018.

Seconded by Keith Glidden.

Vote: Unanimous in favor.

Discussion

Patton Ridge Homeowners request to do mowing on the Open Space

