

**Hamilton Conservation Commission
Minutes of Meeting of June 22, 2016
Meeting held at Hamilton Town Hall**

Commissioners present:

Acting Chair Virginia Cookson, Bob Cronin (arrived at 7:14 p.m.), Chris Currier, Keith Glidden, George Tarr

Staff present:

Jim Hankin, Conservation Agent

Others present:

Shawn Farrell, BOS liaison
Don Borenstein
Geoff Andrews
Anne Gero
Mike DeRosa
Phillip Sears
Scott Silver
Frank Todd
Dave Pittman

Virginia Cookson, unanimously selected by the attending members to serve as Acting Chair, opened the meeting at 7:13 p.m. and mentioned that the meeting was being recorded. Jim Hankin described how Mike DeRosa had filed a restoration plan for Gardner Street.

Request to Amend an Order of Conditions (Second Amendment)

650 Asbury Street, Patton Ridge, DEP #172-0580

Loam and hydro seed and stump dump area swale

Todd Morey for Applicant Patton Ridge

The public hearing was opened for the second amendment to the Order. The first amendment asked for a loam pile to be established with erosion control outside of the original limit of work. The Commission had agreed to that and issued the first amendment.

Todd Morey representing the applicant described how the second amendment asks to spread excess loam over an old stump dump and revegetate the area with hydro seed for a no mow area. This area is Town owned, open space property. Mr. Hankin had visited the site and concurred with Mr. Morey that there is a natural swale that could contain all of the proposed loam. He agreed that the possibility of erosion of loam into resource area is nearly nil due to how the 8” depth of loam will not go to the top of the swale.

Keith Glidden moved to close the public hearing. George Tarr seconded the motion. The Commission voted unanimously in favor of the motion.

Mr. Glidden moved to approve the second amendment to the Order of Conditions without any special conditions. The two amendments will be included in the original Order of Conditions and

Certificate of Compliance. Chris Currier seconded the motion. The Commission voted unanimously in favor of the motion.

Enforcement Order (Continued from April 13, April 27, May 11, May 25 and June 8, 2016)

1 Surrey Lane

Mark Lampert-Boden landowner

Clearing and logging of land in jurisdictional, non-exempt zones

Attorney Don Borenstein and Wetland Scientist Geoff Andrews were present representing the applicant. Mr. Borenstein reviewed discussion that occurred at the May 11th meeting regarding tree cutting and agricultural activity. Since that meeting the wetland delineation of the area described in the Enforcement Order and restoration plan have been submitted to the Commission.

Mr. Andrews described details of proposed restoration plan for red maple swamp with understory of variety of species (primarily glossy buckthorn). He supplied an assessment of invasive species including multiflora rose, bittersweet vine – which is not reaching into trees, and black locust. Plantings are proposed where tree clearing has occurred with supplemental plantings to add to what is naturally revegetated (i.e., red maple to restore tree canopy, and shrubs (18” to 24”) as well as wetland seed mix). Also, pile material in the drainage easement will be removed to allow planting. Mr. Hankin will visit the site to ensure work is done in compliance with the plan. The hand planted (1” caliper, 4’ to 6’) trees will be slow growing.

Discussion addressed how the Conservation Agent will visit the site to review the wetland line and will review plantings once installed. The planting plan will include two years of survivorship monitoring. The scope of work will be done all within the 100’ buffer zone. Also to be documented in the planting report is the fact that Christmas trees are currently planted in the buffer zone. In addition, the restoration will be monitored.

In response to inquiry from Anne Gero, Mr. Andrews stated that there is no restoration proposed for the buffer zone where spruce trees have been planted. Ms. Gero requested some restoration of the buffer zone. Also, Mr. Hankin noted that he would have to research if the Commission has legal authority to record and enforce survivorship monitoring for the next two years if the property is sold within that period of time. There would be notice to the new land owner.

The Commission reiterated two year monitoring on health of planted trees, the Conservation Agent will be inspecting log removal and plant installation, and the Commission will be reviewing two monitoring reports. Mr. Hankin will draft these details for recorded Enforcement Order by the Commission’s July 13th meeting. No work will occur until the Enforcement Order is recorded.

Mr. Glidden moved to accept the aspects of the Enforcement Order to be added as discussed, that there is consent of land owner for recording, and the Commission will look at the recording issue with its counsel. Mr. Currier seconded the motion. The Commission voted unanimously in favor of the motion.

Ms. Cookson moved for the Commission to add a finding to the Enforcement Order that the Commission did not walk or find the wetland delineation as accurate but accepts the plan as presented for restoration purposes. Mr. Currier seconded the motion. The Commission voted unanimously in favor of the motion.

Enforcement Order (Continued from May 11 and June 8, 2016)

Gardner Street: Map 24 Lot 36

Clearing and alteration of resource areas and No Disturb Zone

Francis P. Sears III; Thomas M. and Nancy I Sears Owners

Mike DeRosa representing the applicant. Discussion addressed 26 tree stumps associated with diseased and dead cut trees on the property. The area cleared in the buffer zone was down to loam and subsoil. The trees were mostly cut along the intermittent stream that flows towards the Miles River. There is an area where there was wetland filling and alteration and inspection will be done of sandy fill to organic soils. Restoration planting will include herbaceous shrub and canopy species along the restored wetland line. Organic material will be spread over the disturbed area with reseeded done with a native wetland seed mix, upland soil stabilization seed mix, and wildflower mix.

A total of 19 canopy species trees are in the replication plan including red oak, hickory, American beech, red maple, and a number of shrubs (i.e., elderberry, high bush blueberry). There will be a two year survivorship monitoring plan. Mr. DeRosa noted that plantings are reviewed once a month in the first growing season. The land owner plans to irrigate.

Discussion ensued about if any signage at a delineated wetland line would be done. Also noted was the land owner's interest in cleaning up the area to discourage unauthorized use of his property. In addition, the land owner wants to plant rhododendron in the upland area. Erosion control is already located at the site which has a gentle slope. A few stumps will be ground to allow for restoration work and rough grading with excavator.

Ms. Cookson moved to accept the plan as presented and the Conservation Agent will draft the Enforcement Order noting the plan and timetable when work can begin and two-year survivorship monitoring plan. In addition, the Conservation Agent will be on site when the inspection is being done on the wetland filling. Mr. Glidden seconded the motion. The Commission voted unanimously in favor of the motion.

Request for Determination

537 Highland Street (Pingree School)

Renovate and expand existing hedge garden

Jock Burns for Pingree School

The Commission opened the public meeting. Frank Todd and Dave Pittman representing the applicant. Discussion ensued about intent to move steps down by 20' at a lower grade to 26' from the pond.

Mr. Glidden moved to issue a Negative #2 Determination. Ms. Cookson seconded the motion. The Commission voted unanimously in favor of the motion.

Request for Determination

79 Ortins Road

Construct 18' x 22' addition 75' (+/-) from EOW

Gerald Schrock Owner and applicant

Scott Silver, contractor, representing the applicant. Mr. Hankin explained that the wetland is defined by a stream which feeds into a large swamp. The corner of the proposed addition with a 4' foundation containing crawl space is in the 100' buffer zone.

Ms. Cookson moved to issue a Negative #2 Determination. Mr. Glidden seconded the motion. The Commission voted unanimously in favor of the motion.

Discussion Items

Re-appoint Gretel Clark to OSC, term to expire June 30, 2019

Mr. Glidden moved to re-appoint Gretel Clark to the Open Space Committee, term to expire June 30, 2019. Mr. Currier seconded the motion. The Commission voted unanimously in favor of the motion.

Minutes approval: June 8, 2016

Mr. Glidden moved to approve the minutes for June 8, 2016. Ms. Cookson seconded the motion. The Commission voted unanimously in favor of the motion.

Virginia Cookson report of Athletic fields at HWRHS

Ms. Cookson mentioned that the HWRHS has not applied for Certificates of Compliance relative to its Orders of Conditions. It was noted that usually COCs are sought when a property is sold which has not occurred for the HWRSD. The Commission could consider a process for COCs for outstanding Orders.

Coordinator's Report

Mr. Hankin reported that there will be activity at the Patton estate where a military presentation from the Wenham Museum will occur in July. This will include a Sherman tank being driven on the grounds outside of the Commission's jurisdiction. Also, there will be twice a season mowing of jurisdictional meadow area at the Patton estate property by public works department.

Mr. Hankin noted that the Bridge Street culvert project will be occurring soon with street shutdown to one lane for a few months, and he will be reviewing work done in the Miles River.

Bob Cronin moved to adjourn. Mr. Tarr seconded the motion. The Commission voted unanimously in favor of the motion. Commission adjourned at 8:38 p.m.

Minutes submitted July 7, 2016 by Jane Dooley