

Hamilton Conservation Commission
Minutes of Meeting of July 3, 2013
Meeting held at Hamilton Town Hall

Commissioners present:

Stacy Carpenter, Virginia Cookson, Bob Cronin, Peter Dana, Richard Luongo (chair),
George Tarr.

Staff present:

Jim Hankin, Conservation Coordinator

Others present for a portion of the meeting:

Don Tyson

Bruce Comak

Chris Powers, Pingree School

Chuck Johnson, CJ Johnson Engineering

Steven Chamberlain

Richard Luongo opened the meeting at 7:30 p.m. Jim Hankin noted that the meeting was being recorded.

The Commission agreed to begin the discussion on 920 Highland Street matter on July 17, so the landowners could attend the meeting.

Notice of Intent (Continued Public Hearing from June 26, 2013)
Pingree School, 537 Highland Street

Richard Luongo reopened the public hearing.

Jim Hankin noted that the Commission had a site walk last Saturday and viewed pond area and received a description from Mr. Comak on how the proposal's irrigation would function. Also, the DEP website has issued no comment for this NOI.

Mr. Luongo mentioned that the second pond area that the Commission did not view uses the same sled for the pump. Mr. Comak said the only difference is there is a mowed lawn close to the pond. He added that the same work would be done to update the irrigation system as what was described and observed by the Commission during the site walk.

Mr. Hankin noted that some of the work would take place in the No Disturb Zone and the application asked for a waiver from that regulation due to the fact that there would be less water used with updated system, and it is electrical versus gas driven so there would be less carbon emission.

Peter Dana arrived at the meeting at 7:35 p.m.

Virginia Cookson asked Mr. Hankin to make a finding about why the applicant is allowed to do work in the NDZ. Mr. Luongo noted that this is an improvement to an existing irrigation system.

Mr. Hankin mentioned that the new system would be used in the evening so there would be less evaporation.

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

Bob Cronin moved to issue an Order of Conditions for 537 Highland Street as stipulated with finding discussed by the Commission. Ms. Carpenter seconded the motion. The Commission voted 5-0-1 with Ms. Cookson abstaining.

Notice of Intent (Continued Public Hearing from June 26, 2013)
64 Goodhue Street

Mr. Luongo reopened the public hearing for NOI for 64 Goodhue Street.

Chuck Johnson, civil engineer for CJ Johnson Engineering, explained that the DEP website has this project under review. He referred to the recent site walk stating it was productive and noted conversation with neighbors. Mr. Johnson said there are no changes on the plan.

Mr. Hankin said DEP would not recommend that the Commission keep a hearing open for the state agency's comments. He noted that no resource area is going to be altered, there is a DEP number, and he expects DEP to comment next week.

Mr. Johnson said the applicants, Steven and Carol Chamberlain, do not own the property yet and are going through Planning Board approval process for access through stonewall. The Chamberlains are working with an architect for siting their home. Once that is completed, Mr. Johnson would be developing a septic system design and seeking Board of Health approval. The expected timeline for construction to begin is in late fall.

Mr. Johnson said he would supply a copy of his plans to the water department relative to the 700' run of pipe for Town water supply to the house. Mr. Hankin noted that during the site walk the Commission looked at option of going down an easement that is outside of jurisdiction and is marked by heavy vegetation as opposed to proposed clear pathway.

Ms. Carpenter moved to close the public hearing. Ms. Cookson seconded the motion. The Commission voted unanimously in favor of the motion.

Ms. Cookson moved to issue an Order of Conditions for 64 Goodhue Street. Ms. Carpenter seconded the motion. The Commission voted unanimously in favor of the motion.

Ms. Cookson noted that she would get sworn in with the Town clerk relative to her reappointment to the Commission.

Other Commission business

920 Highland Street

Discussion ensued about pool project that was received an Order of Conditions from the Commission that is unexpired. The applicants asked for a Certificate of Compliance (COC) for the pool and pool house work which is finished. During Mr. Hankin's initial inspection for the COC he noted a chain link fence about 50' from the Ipswich River which is not shown on the

permitted plan. The Wetland Act regulations allow fencing in the riverfront area as an exempt activity if the fencing is not a barrier to wildlife movement. Mr. Hankin placed this matter on the Commission's site walk so they could make a determination on that issue. Mr. Hankin also noted that a compensation planting area was re-established as a meadow as required by the Plan and permits. Applicants intend to re-plant that area and it will be inspected in the spring. He wants the Commission to see the area and noted that the Certificate of Compliance would not be before the Commission for at least another growing season, and the fence issue remains. Mr. Hankin described the location of a split rail fence with wire mesh around it that changes to black chain link and runs parallel to the river. Discussion ensued about how 4' high fence is blocking wildlife going to and from river. Discussion addressed how the black chain link fence may be intended to keep animals out of the pool area. There is little doubt that much of the fence is within jurisdiction.

Discussion focused on the conservancy district that is a zoning contour put on the tax assessment maps that predates the Wetlands Protection Act. A Zoning Board of Appeals permit is needed to build in the conservancy district but wetlands go beyond this. The applicant will be at the Commission's meeting in two weeks and their permit has been good since 2010. Mr. Hankin suggested the Commission could visit the site during the August 11th site walk or the Commissioner could visit the site before the meeting on July 17th. Mr. Hankin said he would speak to Don Tyson about the possibility.

Also to be addressed by the Commission on the 17th is the Howard Street culvert.

Mr. Cronin moved to adjourn. Ms. Carpenter seconded the motion. The Commission voted unanimously in favor of the motion. Commission adjourned at 8:15 pm.

Minutes submitted July 10, 2013 by Jane Dooley