

**Hamilton Conservation Commission  
Minutes of Meeting of July 16, 2014  
Meeting held at Hamilton Town Hall**

Commissioners present:

Richard Luongo, Chair, Stacy Carpenter, Virginia Cookson, Bob Cronin, Keith Glidden  
arrived at 7:43 p.m., George Tarr.

Staff present:

Jim Hankin, Conservation Agent

Others present: Gordie Rogerson, wetland consultant, Richard Boroff, Alan Berry

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Richard Luongo opened the meeting at 7:30 p.m.

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**Abbreviated Notice of Resource Area**

650 Asbury Street (Patton Estate)

CP Berry Applicant, wetland delineation by William Manuell

Jim Hankin explained that the ANRAD for the Patton Estate was filed in time for the meeting with publication of the required legal notice. However, wetland consultant Bill Manuell who delineated the property, was unavailable to do the site walk last Saturday. The site walk has been continued until August 9.

Mr. Luongo opened the hearing on ANRAD for 650 Asbury Street. Virginia Cookson moved to continue the hearing for the ANRAD from tonight until the Commission's meeting on August 13. Bob Cronin seconded the motion. The Commission voted in favor of the motion, 4-0-1 with Stacy Carpenter abstaining since she is a member of Patton Property Advisory Committee.

**Enforcement Order**

35 Miles River Road

Francis DiRico

Failure to comply with previous violation notices; alteration of pond and adjacent area without review and approval by HCC

Mr. Hankin said that he, Mr. Luongo, George Tarr, Mr. Cronin and Gordie Rogerson representing Mr. DiRico viewed the site and saw that the "no mow" zone had been somewhat reestablished with blueberry plants added. Mr. Rogerson concurred that the blueberry bushes are now located at the edge of the 25' NDZ strip.

Mr. Luongo expressed concern about these new plants, demarcating the NDZ section of the "no mow" zone line could easily be mowed down without some sort of marking or boundary to make it clear that the area is not to be disturbed. Discussion ensued about the possibility of installing a split rail fence to act as a boundary. Mr. Hankin referred to a prior conversation on site with land owner Mr. DiRico who had remarked on his desire to have a

fence. Mr. Hankin had suggested a split rail fence which would enable any landscaper to obey the “no mow” rule. The Commission acknowledged that this would be a long length of fence (400’ approximately). Mr. Rogerson said his client was not opposed to a two rail, split rail fence if a decision could be reached on where it should be located and its length could be cut back. He showed the Commission a new site plan where he had flagged the wetlands line with A to M series flags showing and 25’ NDZ, and the “no mow” line. He suggested that fence could be located from flag H to 25’ NDZ and cut back to C flag line for 200’.

Also suggested was permanent installation of 3’ cedar posts, (4’ by 4’ in the ground 1’) 25’ off of the 13 wetland flags. The homeowner has permission to mow in the 25’ to 50’ zones once a year. In addition, a placard could possibly be used with “no mow” and the Commission’s telephone number to notify any landscaper not to mow within the posts and the wetland. The posts would be located upland of the blueberry bushes. Mr. Hankin asked Mr. Rogerson for a revised plan indicating the location of the posts opposite the flags. Mr. Rogerson will research and update plan for August 13 meeting.

Stacy Carpenter moved that the Commission continue the Enforcement Order for 35 Miles River Road to August 13, 2014. Seconded by Ms. Cookson. The Commission voted unanimously in favor of the motion.

Discussion ensued about the pond at the site where Commissioners had visited and tried to determine if it was connected to any other resource areas. It was determined that the pond is not connected to an intermittent stream on the property. Mr. Rogerson noted that the size of the pond as of May 2013 is 5,391 square feet not near a quarter-acre. The Commission mentioned that it is shown on an earlier plan as a resource area. Discussion addressed changes that have occurred with multiple property owners where a fence was put around the pond, a pool was installed and “no mow” zone established. At the site walk the Commission tried to determine if the pond was jurisdictional and what kind of resource area it is relative to Wetlands Protection Act and Conservation Bylaw. Mr. Hankin stated that Mr. DiRico has said the appearance of the pond today is how it looked when he purchased the property. The Commission concluded that the backyard pond is not within its jurisdiction.

Mr. Hankin noted a record of past misunderstandings with the landowner in terms of what his obligations are under the Act and Bylaw, but at this point the landowner is cooperative and Mr. Rogerson is willing to install the monuments that the Commission requested. The Commission agreed with Mr. Hankin that the Commission would not be going forward with any enforcement in regard to the pond. Discussion addressed whether or not the monuments would be installed relative to the “no mow” zone by the Commission’s site walk on August 9 or a later date for review by Mr. Hankin and the Commission. Mr. Rogerson reiterated that he would provide the Commission with an updated plan.

### **Discussion Item**

Richard Boroff, Hamilton resident and volunteer from Ipswich River Audubon Sanctuary, was present to discuss invasive plants problem

Richard Boroff, of 40 Moynihan Road, described how he is a 40-year resident and has been volunteering at the Ipswich River Audubon Sanctuary for the past two years doing property work. He addressed how invasive species have been found on the property (i.e., buckthorn, swallow-wort, bittersweet, and Japanese knotweed). He suggested that a Town agency could

educate public to recognize these plants on their properties in Hamilton, understand the issues, and describe how to manage them. Keith Glidden spoke to invasive species being associated with what the Commission does although the Commission is essentially a regulatory authority. Mr. Luongo recommended the Audubon provide an article to the HW Chronicle to educate the public about invasive species and how they could be removed and replaced with native plants. Also, that the Commission could review and endorse the article. Discussion ensued about how the Audubon education program that the Commission funds could educate the participating HWRSD students about the invasive species and corrective measures. Also, a handout could be developed on topic for students to take home to parents.

Mr. Hankin mentioned that knotweed is very difficult to rectify near wetlands and if it is removed incorrectly it can cause more problems (i.e., spread the knotweed). Residents interested in removing invasive species on their properties need to go through the process with the Commission to ensure the proper manner is used. The Town did remove knotweed from the side of Hamilton streets through \$6,000 of CPA funding. Herbicide was used to treat some of the remaining knotweed. Discussion ensued about lack of resources with volunteer board and half-time busy staff and no funding to support an education program about invasive species. Also mentioned were the details associated with such an education program requiring a sub-committee separate from the Commission to ensure objectivity when projects come before the Commission. Discussion addressed how the Commission has been concerned about dealing with invasive species in the Miles River for seven years and it has not been able to move forward due to its limited authority to initiate, and fund, projects such as this. The Commission thanked Mr. Boroff for his presentation and his concern about this significant issue.

#### **Acceptance of minutes of June 25, 2014**

Mr. Glidden moved that the Commission accept the June 25, 2014 minutes as written. Mr. Cronin seconded the motion. The Commission voted 5-0-1 in favor of the motion with Ms. Cookson abstaining since she did not attend the June 25 meeting.

#### **Certificate of Compliance**

122 Gregory Island Road

Re-construct single family dwelling and remove garage structure  
install compensation planting

DEP # 172-0555, recorded Bk 31345 pg. 408 May 16, 2012

Mr. Hankin stated that this project was split into two OCCs. The first OOC was for the septic system which has already received a COC. The second OOC is for the house re-construction and plantings. He had inspected the plants and found them fully established and he stated that all trash has been removed from the wetlands.

Ms. Carpenter moved to issue a Certificate of Compliance for DEP #172-0555 for 122 Gregory Island Road. Mr. Glidden seconded the motion. The Commission voted unanimously in favor of the motion.

## **Coordinator's Report**

Mr. Hankin reported on his visit to 1 Surrey Lane noting that a lot of vegetation has grown back and the disturbed area is essentially stabilized. Mr. Boden, property owner, has contacted the law firm of Murtha Cullina that specializes in agricultural issues in Massachusetts. He indicated to Mr. Hankin that he would not be able to retain the firm until November. The law firm suggested he contact Curt Young, wetlands consultant, who will visit the property. The matter will come back to the Commission for further discussion on the agricultural exemption and current status of the property. Mr. Hankin is monitoring the situation and reiterated that the property is stabilized.

Discussion ensued where the Commission agreed to start its meetings at 7:00 p.m. versus 7:30 p.m. beginning on August 13 and this start time will be revisited at the end of September. The Commission has a site walk on August 9.

The Commission's next meeting is on July 30, 2014. Mr. Cronin moved to adjourn. Mr. Tarr seconded the motion. The Commission voted unanimously in favor of the motion. Commission adjourned at 8:43 p.m.

Minutes submitted July 24, 2014 by Jane Dooley