

**Hamilton Conservation Commission
Minutes of Meeting of July 17, 2013
Meeting held at Hamilton Town Hall**

Commissioners present:

Stacy Carpenter, Virginia Cookson joined the meeting at 7:40 p.m, Bob Cronin, Peter Dana joined the meeting at 7:35 p.m., Richard Luongo (chair), George Tarr.

Staff present:

Jim Hankin, Conservation Coordinator

Others present for a portion of the meeting:

Don Tyson

Mark Massey, landowner

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

Mr. Hankin referred the Commission to site plan for 920 Highland Street.

He noted that currently the meeting on August 14th as is the site walk is open with nothing on either agenda.

Notice of Intent

Linden and Howard Street

Replace existing culverts under two public ways

Hamilton DPW, Dave Hanlon Director, Applicant.

Stacy Carpenter moved to continue the Public Hearing for Linden and Howard Street project until August 14 as per request of applicant. George Tarr seconded the motion. The Commission voted unanimously in favor of the motion.

Notice of Intent (Continued Public Hearing)

920 Highland Street

Commissioner Peter Dana recused himself from all consideration of this matter due to personal acquaintance with the land-owner.

Don Tyson representing the applicant apologized for the omission of fence on the site plan citing it as an honest mistake. Discussion ensued about a portion of the fence being in the 200' jurisdictional zone of the Ipswich River. Richard Luongo noted that the fence should not be in the jurisdictional zone and it should have been included on the site plan. Also, if the fence was going to be built it should have come before the Commission first since the whole project was within the Commission's jurisdiction.

Mark Massey described how he did not like the one fence around the pool area and that consideration had been given to putting a fence around the entire property. Discussion ensued about how the chain link fence and split rail fence form one enclosure with two gates. Mr.

Massey said the fence was not part of the plan worked on with the architect. Discussion noted that there is a 4' high stonewall fence near the pool but it does not form a barrier. Mr. Hankin notes that Mr. Tyson had provided a revised plan indicating the location of the fence. Mr. Massey apologized for not coming to the Commission in the first place. Discussion addressed how the mitigation area had not been cut.

Mr. Hankin reviewed how fences under the Wetlands Protection Act regulations can be minor activity exempt from the Act in the riverfront area if they are not a barrier to wildlife. Discussion ensued about how the fence is a barrier to wildlife so this falls under the Commission's jurisdiction and how pathways can be provided for wildlife to nesting and feeding grounds.

Mr. Massey explained that of his 60 acres of land, 50 are under conservation restriction with one acre within the fence so there is room for wildlife movement. Discussion was about meeting wetland regulations by having 6" to 8" inches of space at bottom of fence to allow wildlife movement. Also addressed was the state law that mandates having a fence around pool and how it can only be 2" above the ground. The fence section that is near the river is 42' away and section near wetlands is 75' away as measured by Mr. Tarr and Virginia Cookson.

Discussion noted that nearly the whole fence is within the 200' river zone and intermittent stream relative to 100' jurisdictional area. Mr. Hankin reiterated that the fence could be considered minor activity but noted that if fence was allowed then wildlife movement would be a consideration. He noted the mitigation area and suggested the area could be larger to compensate for the fence. Mr. Massey spoke to how he has been instrumental in keeping surrounding land in limited development and this has benefitted wildlife.

Mr. Hankin said procedurally the Commission has to act on the matter of the Certificate of Compliance and due to the act of the legislature, the permit received an automatic extension and is active so the site plans can still be changed since site is still under construction and timing for COC is seven years from when the permit was issued with four years remaining. He said there is no public hearing or legal notice and the applicant has the wetland meadow underway. This mitigation would not be inspected until the spring.

Mr. Hankin reiterated that the Commission believes that the fence is a barrier to wildlife, the applicant has the permit to do the pool house and other work on site but the permit does not show the fence. He said there has to be compliance so the Commission can follow its obligations under the law and the applicant can meet the pool code, have a fence he can live with, and then the Commission can issue the COC. Mr. Luongo noted that there are two conditions that have to be met for the fence (WPA and state pool fencing regulations) and the Commission needs to wait until the spring for compliance with the wild flower meadow mitigation area before the COC is issued by the Commission. The applicant said he was just going through process to get the COC.

Certificate of Compliance

122 Gregory Island Rd

Install septic system, 172-0539, recorded book 29985, pg 345. This project has 2 OOC's, one is to rebuild the house and do some plantings; the other for the septic system. The house project will be ready for COC in spring 2014 to make sure all plants are established. The planting area is in now, and it looks good, but it needs to survive a winter. The septic area is in a separate portion of the lot and is entirely vegetated and finished.

Mr. Hankin said this project had two permits for septic system and house. He noted that the construction for the house is finished but the plants need to be established for one growing season. The permit allows the septic system to be pumped along Gregory Island Road to slope on the road.

The Commission reviewed photographs with Mr. Hankin who noted that septic system area was well vegetated and it has a compliance permit from Board of Health relative to Title 5 regulations. He noted that the house project would be before the Commission next May for a COC for the house construction.

Ms. Carpenter moved to issue a Certificate of Compliance for 122 Gregory Island Road for the septic system. Mr. Tarr seconded the motion. The Commission voted unanimously in favor of the motion.

Acceptance of the June 26, and July 3, 2013 minutes

Cronin moved to accept the Commission's June 26 and July 3, 2013 minutes. Mr. Tarr seconded the motion. Motion carries 6-0-1 with Ms. Carpenter abstaining since she did not attend June 26th meeting.

Mr. Cronin moved to adjourn. Ms. Carpenter seconded the motion. The Commission voted unanimously in favor of the motion. Commission adjourned at 8:22 pm.

Minutes submitted July 25, 2013 by Jane Dooley