

**Hamilton Conservation Commission  
Minutes of Meeting of Oct. 3, 2012  
Meeting held at Hamilton Town Hall**

Commissioners present:

Stacy Carpenter, Virginia Cookson (7:37), Robert Cronin, Peter Dana, Richard Luongo (chair), George Tarr

Staff present:

Jim Hankin, Conservation Coordinator

Others present for a portion of the meeting:

Jeffrey Angley, attorney  
Dr. Celeste Bowler, Hamilton-Wenham Regional School District

The Commission is scheduled to meet at 7:30 p.m. on Oct. 17, Nov. 14, and Nov. 28, 2012 at Hamilton Town Hall. Site walk is scheduled for Sat. Nov. 10, 2012.

---

Richard Luongo opened the meeting at 7:31 p.m. Conservation Coordinator Jim Hankin noted that prior to this meeting, Commissioners received copies of letters he wrote in 2011 regarding an Order of Conditions (OOC) related to a Violation Notice on the agenda for this meeting; a portion of that OOC; and regulations about procedures for such notices. They also received the proposed budget for the school district's Environmental Education program.

---

Violation Notice

35 Miles River Road

Frank DiRico, landowner; attorney Jeffrey Angley, representative  
Reported fill of buffer zone, possibly within no-disturb zone (NDZ), possibly within resource areas under Wetland Protection Act (WPA)

Conservation Coordinator Jim Hankin said he issued this Violation Notice after receiving an anonymous report, relayed by the Department of Public Works, that several truckloads of fill were deposited in the resource area at 35 Miles River Rd. Property owner Frank DiRico was not present; his attorney Jeffrey Angley attended the meeting and explained Mr. DiRico would be out of state through Oct. 28 but would meet with the Commission after that date and wishes to cooperate. Commissioners scheduled a site inspection for Nov. 10 and requested the owner be present. Mr. Hankin told Mr. Angley that a VN constitutes a cease and desist order, so no change should be made to the current state of the resource area.

Mr. Hankin related that in 2011 he met with in Town Hall, and wrote to him twice to inform him of terms of an Order of Conditions issued in 2004. Mr. DiRico bought the parcel in 2010. Several of the conditions remain perpetually in effect and stipulate that an area abutting wetlands cannot be mowed more than once a year.

The owner's attorney departed. Commissioners and Mr. Hankin discussed record-keeping options that would enable the Commission to track cases and inform new owners of responsibilities and statutory issues regarding their properties; he said sellers are legally required to inform new owners of OOC terms to which new owners also are bound, but noted that sellers seldom do so.

---

Massachusetts Audubon Society Environmental Education Program 2012-2013

Review proposal for education workshops and classes for Hamilton-Wenham Regional School District (HWRSD) academic year 2012-2013

Hamilton Wenham Regional School District Assistant Superintendent for Instruction Dr. Celeste Bowler presented the Environmental Education Program budget for the current school year and requested the Commission's financial support. The budget for the K-4 program is \$5419.43; she asked the Commission to contribute 69% of that, \$3,739.41, to correspond to the town's share of the overall budget, based on enrollment from the two towns.

Per past practice, the Commission agreed a vote on the request at its next meeting.

Commissioners informed Dr. Bowler that because the Wenham Conservation Commission has not contributed toward this program in a number of years, the Hamilton commission routinely contributes 100% of this program's budget; they encouraged her to contact the Wenham commission and ask for a contribution, and to return to the Hamilton commission with a request for additional funds if Wenham declines to contribute.

Dr. Bowler and Mr. Hankin discussed accounting details about billing and payments.

---

Commissioners postponed to a future meeting the agendaized discussion of a recent court case concerning waivers of deadlines, because the commissioner who requested this discussion was absent from this meeting.

Peter Dana made a motion for the Commission to accept the minutes of the meeting of Sept. 12, 2012 as presented. Robert Cronin seconded the motion. VOTE: 4-0-2 (Ms. Carpenter and Mr. Dana abstained because they were not present at that meeting).

Mr. Cronin made a motion for the Commission to adjourn at 8:18 p.m. Virginia Cookson seconded the motion. VOTE: Unanimous.

Minutes submitted Oct. 5, 2012 by Ann Sierks Smith