

**Hamilton Conservation Commission
Minutes of Meeting of November 18, 2009
Meeting held at Hamilton Town Hall**

Commissioners present when meeting convened at 7:40 p.m.:

Nancy Baker (co-chair), Robert Cronin, Peter Dana, Sarah Getchell (co-chair)

Staff present:

Jim Hankin, Conservation Coordinator

Others present: Richard Luongo

The Commission's only regular meeting for December is scheduled for Wednesday, December 9, 2009 at 7:30 p.m. at Town Hall. Site walk is scheduled for Saturday Dec. 5, 2009.

Sarah Getchell opened the meeting at 7:40 p.m.

Conservation Coordinator Jim Hankin gave a brief review of the material that he distributed to commissioners prior to this meeting. The three items were the text of a Commission regulation about filing supplemental materials, relevant to the Notice of Intent (NOI) for 236 Moulton St.; a 3-page memo dated 11/12/09 from wetland consultant John Dick relevant to the same NOI; and copies of a series of e-mails about potential changes to the state Department of Environmental Protection (DEP).

Discussion

Potential changes to Massachusetts Department of Environmental Protection (DEP)

Commissioners and Mr. Hankin discussed the potential changes to DEP. He explained that because of revenue concerns, state officials are considering eliminating the Wetland Division of DEP, and charging municipalities with enforcement of state wetland regulations. State wetland regulations would also be revised. The existing process by which individuals can appeal local commissions' Wetland Protection Act rulings to DEP would be eliminated; all appeals would have to go straight to Superior Court. Mr. Hankin noted that the existing process often resolves such cases, and is free to towns and relatively low-cost to those who appeal. He said the cost of Superior Court appeals would be high for both parties.

Peter Dana asked other commissioners for their opinions. Nancy Baker, who works for DEP, said she believes the Wetland Division provides a valuable service, and that DEP's process for investigating and ruling on appeals is quick and good, but that cases that proceed to an administrative law proceeding are slow.

Mr. Hankin added that if the appeals process is changed and the Town would have to pay the Town Counsel to defend the Commission's rulings in WPA appeals in Superior Court, the Board of Selectmen rather than the Commission would decide whether to support the decisions under appeal, and the potentially high cost of doing so might influence the selectmen's decisions.

Mr. Hankin reported that state officials' have a stated goal of amending the WPA and rewriting regulations by January 2. He said this would require hearings and a legislative decision.

Notice of Intent (Public Hearing continued from Aug. 12, Sept. 16, Sept. 30, Oct. 14, and Oct. 28, 2009)

236 Moulton Street (Map 42 Lot 43)

Estate of Elizabeth Laughlin, owner; John Dick of Hancock Associates, representative
Construction of single-family dwelling; septic system

Because it is the official policy of the Conservation Commission that supplemental documents for Commission review after the opening of a public hearing must reach the Commission office a minimum of seven calendar days before the next session of the public hearing, but the supplemental material regarding this NOI did not, commissioners deferred consideration of this supplemental material to the meeting of Dec. 9.

Recommendation to Board of Selectmen
Nominee to Commission

Commissioners asked Richard Luongo, who has expressed interest in joining the Commission and has attended meetings regularly for several months, to tell them about himself and his relevant experience.

Mr. Luongo said he grew up near Wingersheek Beach in Gloucester and is especially interested in environmental issues relating to the ocean, beaches, lakes and animals. He has a Bachelor of Science degree in biology, and taught science for many years. Later, he switched to computer-related work, and real estate. He is now retired. Marine biology and environmental science were among the science courses he taught. He participated in Northeastern University research tracking coyotes, and a project related to marshes.

Nancy Baker asked Mr. Luongo whether in his real estate work, he ever encountered wetland issues. He answered that years ago he handled the sale of the property on Moulton St. about which a matter was on the agenda for this meeting, and that wetland issues were evident at that time. Commissioners briefly discussed some physical details of that property.

Conservation Coordinator Jim Hankin thanked Mr. Luongo for stepping forward to express interest in the vacant seat on the commission. He explained the approval process and told Mr. Luongo that the selectmen may ask him where he stands on issues of development within the town, so he should be prepared for that type of question when he goes before the Board of Selectmen when they act on the Commission's recommendation.

Robert Cronin made a motion for the Commission to recommend that the Board of Selectmen appoint Richard Luongo to the Conservation Commission. Nancy Baker seconded the motion.
VOTE: Unanimous.

Discussion

Conservation Coordinator Jim Hankin informed commissioners that the Finance Committee met on Nov. 12 with Town department heads and informed them that although state officials maintain this will not occur, the FinCom believes local aid to Hamilton may be cut during the existing fiscal year. The Fin Com asked departments to freeze or reduce FY2010 spending. Mr. Hankin said the main costs charged to the Commission's expense budget are the annual dues of the Massachusetts Association of Conservation Commission (MACC), and the fees for commissioners to attend the MACC annual conference. He suggested commissioners consider paying their own way, which would cost each commissioner about \$75 to \$80.

Mr. Hankin said the FinCom told department heads that the Town budget may fall about \$400,000 short of revenue for FY2011; the FinCom forecasts a \$150,000 reduction in local aid. At the same time, contractual raises and steps will increase personnel costs, employee health insurance premiums are expected to rise \$50,000, the Town plans to hire a town manager at a higher salary than the existing town administrator's salary, and vehicle costs are expected to rise \$35,000. He said this does not factor in the financial impact of Hamilton's share of the costs of the regional school district. He said employees would not receive a cost of living adjustment for the coming fiscal year. At best, departments would be level funded, and it is likely their budgets would be cut, he reported.

Peter Dana asked where cuts could be made to the Commission budget, other than the MACC costs mentioned earlier; Mr. Hankin replied that the only other place cuts could be made would be to his salary.

Mr. Dana asked whether the Commission's fees are close to those charged in other towns; Mr. Hankin said they are "closer to the middle" than they used to be. Nancy Baker noted that under current Commission regulations, when the Commission issues an enforcement order, the property owner pays no fee; she said those people should have filed Notices of Intent and paid fees. Mr. Hankin said a brochure prepared to inform residents about state and local wetland regulations is posted on the Commission website, and available for pick-up at several municipal buildings in town, but that plans to mail it to residents have been put on hold because the cost of mailing is prohibitive at present. He said the Commission could raise fees, but at present few residents are filing with the commission.

Mr. Hankin noted that a 10% reduction in spending by some larger Town departments might have substantial impact on the overall Town budget, but that 10% of the Commission budget only comes to \$2,700. He said the expense budget used to be \$3,000, but this year it is \$900. He noted also that the Conservation Fund could be used for any municipal purpose if Town Meeting votes to do so.

Robert Cronin made a motion for the Commission to approve the minutes of the meeting of Oct. 14, 2009 as presented. Ms. Baker seconded the motion. VOTE: Unanimous.

Commissioners deferred action on the minutes of Oct. 28, 2009.

Mr. Dana reported that the Community Preservation Committee is considering committing CPC funds to lease several acres of land for community gardens. Similar projects have been funded in Weston, Lincoln, and Danvers.

Mr. Cronin made a motion for the Commission to adjourn at 8:27 p.m. Sarah Getchell seconded the motion. VOTE: Unanimous.

Minutes submitted Nov. 23, 2009 by Ann Sierks Smith