

**Hamilton Conservation Commission
Minutes of Meeting of Dec. 15, 2010
Meeting held at Hamilton Town Hall**

Commissioners present:

Virginia Cookson (8 p.m.), Robert Cronin, Peter Dana, Richard Luongo (co-chair), Camilla Rich (until 8:15 p.m.)

Staff present:

Jim Hankin, Conservation Coordinator

Others present for portions of the meeting:

Rick Clarke, consultant
Dick Flynn, 240 Linden St.

The Commission is scheduled to meet at 7:30 p.m. on Jan. 12 and 26, 2011. Site walk is scheduled for Sat. Jan. 8, 2011.

Richard Luongo opened the meeting at 7:55 p.m.

Conservation Coordinator Jim Hankin noted that prior to this meeting, commissioners received copies of the text of a proposed regulatory change to correct a clerical error; a memo from Hamilton Superintendent of Public Works John Tomasz relating to an item on the agenda of this meeting; and the proposed schedule of regular meetings for 2011.

Public Hearing to Consider Amending By Law Regulation

Richard Luongo opened the public hearing on the proposal to amend the regulations issued pursuant to Town of Hamilton General By Law Chapter XVII entitled "Conservation," by restoring to page 5 a sentence that had been adopted by the Commission in 2005, but that due to a clerical error was not reprinted and included in the 2010 amended and revised edition of the regulations. The proposal is to restore to paragraph 1 of Section III, No-Disturbance and No-Build Zones, this text: "The Commission will also require a 100 foot No Disturb Zone constituting the entire AURA adjacent to any vernal pool."

Mr. Luongo invited commissioners and the public to comment. No comments were forthcoming.

Camilla Rich made a motion for the Commission to close the public hearing. Robert Cronin seconded the motion. VOTE: Unanimous.

Ms. Rich made a motion for the Commission to adopt the sentence and incorporate it into the regulations. Mr. Cronin seconded the motion. VOTE: Unanimous.

Conservation Coordinator Jim Hankin said the amendment would take effect immediately.

Notice of Intent (Public Hearing continued from Nov. 3 and Nov. 17, 2010)

Linden Street

Hamilton Department of Public Works, applicant

Replace existing culvert in public way

Richard Luongo opened the public hearing.

Conservation Coordinator Jim Hankin noted that Commissioner Nancy Baker, who was not present at this meeting, e-mailed to the Commission office prior to the meeting a memo and copies of stream crossing guidelines she suggested might be relevant to this proposed project; Mr. Hankin forward this memo to the other commissioners. Mr. Hankin suggested the Commission consider the guidelines and discuss them, and the proposed project, at the next regular meeting. He noted also that a memo from Hamilton Superintendent of Public Works John Tomasz expressed Mr. Tomasz' openness to continuation of the hearing, because the work is not slated for the winter.

Peter Dana made a motion for the Commission to continue the public hearing to Jan. 12, 2011. Camilla Rich seconded the motion. VOTE: Unanimous.

Dick Flynn spoke from the audience to request a copy of the guidelines; Mr. Hankin said he would e-mail them to him. He explained that they provide information about designing stream crossing structures so that it will be easier for wildlife to thrive and move around the new structures.

Request for Determination of Applicability

75 Postgate Road

Rodd and Alexandra Stockwell, owners; Rick Clarke of EPS Associates, representative

Install Title V compliant septic system

Rick Clarke displayed a site plan and described the proposed replacement of an existing cesspool at 75 Postgate Rd. with a raised septic system. He said the existing system passed a Title V inspection, but the Hamilton health agent disagreed with this assessment; Mr. Clarke's subsequent research found that the water table at the site is higher than the bottom of the cesspool.

The owners propose installation of the new system in the same area of the back yard now occupied by the cesspool. It would come within 30' of the wetland line at the back of the parcel. Mr. Clarke said the proposed site is the only workable site on this parcel. He said he first suggested installing the new septic system in the front yard, which would have been cheaper, and farther from wetlands; however, tests found a deep layer of peat moss extending down from 10' below grade, so a system placed in the front yard could not perc properly. Also, the water supply line to the house runs through the area of the front yard that is not paved driveway. The distances between side property lines and the house are inadequate for a septic system. One side of the back yard contains an in-ground pool.

Mr. Clarke said the proposed mounded system would require only about .5' of fill. A boulder wall, with a membrane, would bound it. The mounded area would be at 106' elevation and the base of the wall would be at 103'; most of the difference in elevation is due to existing slopes and contours. Some grading would take place at the base of the retaining wall to connect existing contours. The water table is at 42" below trade, and tests show a perc rate of less than 2 minutes.

Hay bales would be placed along the property line as a siltation barrier. William Manuell flagged the wetland line. The Hamilton Board of Health has issued a septic permit.

In response to Virginia Cookson's question, Mr. Clarke said construction vehicles would access the site along the side of the house, which would require removal of existing trees. Peter Dana asked whether the trees would be replaced; Mr. Clarke said planting trees above septic systems is not recommended, so this is not planned.

Ms. Cookson expressed satisfaction that the proposed location is the only one that is workable on this parcel. She recommended that if the Commission issues a negative determination, that document should note why the Commission did so.

Conservation Coordinator Jim Hankin noted that commissioners inspected the site on Dec. 11. He said it is very rare for a parcel to have as many constraints as this one does. He said that regulations presume that upgrading to a Title V compliant septic system is an improvement, and recommended that given that presumption, it would be appropriate for the Commission to issue a negative determination.

Camilla Rich made a motion for the Commission to issue a negative determination under the Wetland Protection Act and the Hamilton Conservation By Law. Ms. Cookson seconded the motion. VOTE: Unanimous.

Commissioners signed the determination.

Request for Determination of Applicability

25 Black Brook Road

Jack Stevenson, applicant; Michaud and Associates, representative

Install drain line; outlet from pipe at 25' from wetlands

Conservation Coordinator Jim Hankin outlined the details of this proposed project, the site of which commissioners inspected on Dec. 11. A new kitchen was recently added to the existing house at 25 Black Brook Rd., and the owner proposes replacement of a drain line that already was in place near the site of the addition. The new in-ground drainage pipe would be placed in approximately the same location as the old one. Riprap would be placed at the outlet 25' from the edge of wetlands.

Richard Luongo suggested that under some conditions, the drainage line might freeze, and water from the street might flow down slope into structures.

Robert Cronin made a motion for the Commission to issue a negative determination. Virginia Cookson seconded the motion. VOTE: Unanimous.

Commissioners signed the determination.

Approval of 2011 Calendar of Regular Meetings and Site Walks

Conservation Coordinator Jim Hankin detailed variations from the standard meeting schedule, as listed on the proposed calendar of meetings for 2011. The Commission's usual schedule is to

hold regular meetings on the second and fourth Wednesday of every month (except December, when the Commission meets only on the second Wednesday), and for site walks to take place on the Saturday preceding the first meeting of each month. The proposed calendar would shift some regular meeting dates in the months of March, June, October and November in order to avoid conflicts with holidays, Commission-related meetings and events, and dates the coordinator plans to be on vacation.

Robert Cronin made a motion for the Commission to approve the 2011 calendar as presented. Peter Dana seconded the motion. VOTE: Unanimous.

Commissioners signed vouchers.

Robert Cronin made a motion for the Commission to approve the minutes of the meeting of Nov. 17, 2010 as presented. Peter Dana seconded the motion. VOTE: Unanimous.

Conservation Coordinator Jim Hankin said he would complete in time for discussion at the Jan. 12, 2011 meeting his report on the property known as Devon Glen, and would send the report to commissioners and the property owner prior to that meeting. He said he would forward to commissioners correspondence from the Town Counsel regarding an enforcement matter related to that property. Commissioners placed this matter on the agenda of the meeting of Jan. 12, 2011.

Commissioners noted that two residents who have expressed interest in appointment to the Commission were expected to attend this meeting, but did not. They agreed to continue to advertise a vacancy on the Commission.

The Commission postponed discussion of two topics listed on the agenda (whether to strengthen criteria for applications with work proposed in the no-build and no-disturb zones; and guidelines for future enforcement actions, specifically monitoring and final compliance).

Mr. Dana made a motion for the Commission to adjourn at 8:29 p.m. Mr. Cronin seconded the motion. VOTE: Unanimous.

Minutes submitted Dec. 16, 2010 by Ann Sierks Smith