

**Hamilton Conservation Commission
Minutes of Meeting of Feb. 24, 2010
Meeting held at Old Hamilton Library, 299 Bay Rd.**

Commissioners present when meeting convened at 7:33 p.m.:

Nancy Baker (co-chair), Virginia Cookson Peter Dana, Richard Luongo

Staff present: Jim Hankin, Conservation Coordinator

The Commission is scheduled to meet on March 10, and March 24, 2010 at 7:30 p.m. at Town Hall. Site walk is scheduled for Saturday, March 6, 2010.

Nancy Baker opened the meeting at 7:33 p.m.

Conservation Coordinator Jim Hankin noted that proper notice was given of a public hearing scheduled to take place during this meeting. A legal notice was published in the Hamilton-Wenham Chronicle; an item publicizing the hearing also appeared in that newspaper's "community calendar" section; notice of the hearing was posted at Town Hall; and the text that was to be the basis of the hearing was e-mailed to all consultants who conduct business before the Commission, and to Town officials.

Public Hearing

Proposed new chapter to By Law regulations concerning the hiring outside consultants, pursuant to Massachusetts General Law Ch. 44 §53G

Nancy Baker opened the public hearing at 7:35 p.m.

Commissioners and Conservation Coordinator Jim Hankin discussed several specific points about a proposed new regulation that would give the Commission authority to compel applicants to pay the fees for consultants the Commission hires to review that applicant's application. They had discussed the proposed regulation in greater detail at two previous meetings.

Mr. Hankin reported that the Town already has a regulation that addresses this issue, but he said it is outdated. The existing regulation does not include an appeals process, spell out procedural timing, or give the Commission authority to legally compel an applicant to pay a fee if the applicant is not willing to do so voluntarily. Mr. Hankin said the existing regulation was adopted about 10 years ago, before the state legislature gave local conservation commissions the authority to adopt regulations that give them enforcement power in this area. He said that if the Commission approves the proposed regulation being considered during this hearing, it should replace the existing one.

In response to questions asked by Peter Dana and Ms. Baker, Mr. Hankin said the Commission would retain the right to obtain competitive bids, and also to hire a consultant whose bid was not the lowest, if the low bidder did not meet Commission criteria.

Commissioners and staff were the only people present. Commissioners briefly discussed whether they should leave the hearing open so members of the public or Town officials could comment at a later date.

Richard Luongo made a motion to close the public hearing. Mr. Dana seconded the motion.
VOTE: Unanimous.

Mr. Luongo made a motion to accept the text of the proposed by law regulation as published and posted for this hearing, as an amendment to the By Law regulations, to replace the existing regulation located on pages 13-14 of the Town of Hamilton Conservation Bylaw Regulations. Virginia Cookson seconded the motion. VOTE: Unanimous.

Mr. Hankin said he would deliver an official copy of the new regulation to the Town Clerk, and that it would take effect upon being stamped by the Clerk.

Notice of Intent

247 Forest Street

Chris Gangi, applicant; Bill Manuell, representative

Review revised plan for change in camper parking area from one side of new structure to opposite side

Conservation Coordinator Jim Hankin showed commissioners a revised site plan and detailed the changes that were made since the Commission provisionally approved the project at its prior meeting, contingent on receipt of a satisfactorily revised Notice of Intent (NOI) and site plan.

Neither the applicant nor his representative was present.

Mr. Hankin pointed out that as the Commission had requested, the site plan now shows a buffer planting area behind the proposed garage that was the main feature of this NOI. Also, he told commissioners that the owner wishes to construct a 12' X 50' paved parking pad between the garage and the property line, rather than on the side of the garage between that structure on the house, as commissioners had understood to be the case at the time they voted. He said the paved area would be outside the no disturb zone. He said that the Town has no setback requirement for paving.

Commissioners discussed the proposed plantings. Ms. Baker questioned whether 30 shrubs would be adequate coverage for the area. Mr. Dana said they would spread. Mr. Hankin suggested it would be best to plant them "scattershot" rather than at regular intervals. Ms. Baker also questioned whether the three species specified on the plan—blueberry, arrow wood, and raspberry—would provide enough variety. Mr. Hankin and Ms. Cookson predicted that once mowing ceases in the area to be planted, some native growth would come back.

Ms. Baker noted that the applicant agreed to remove a small area of stockpiled materials. She asked whether the Commission should provide direction about when to plant. Commissioners agreed planting should take place in spring 2010; Mr. Hankin said he would inform the applicant's wetland consultant.

Ms. Cookson noted that although the Town has accepted the parcel as a single lot, the site plan shows the individual 25'-wide original lots that were combined into this parcel. She pointed out

that on the site plan, the wetland line is drawn on only some of those 25'-wide strips. She said it would be better for the wetland border to appear on the entire plan.

Mr. Dana asked Mr. Hankin to inform the applicant that any proposed activity behind the pre-existing house would require a permit. Mr. Hankin said he would convey this by letter.

Mr. Hankin said this discussion closed the Commission's business on this NOI, and that he would send out the Order of Conditions.

Commissioners arranged to carpool to an upcoming workshop.

Richard Luongo made a motion for the Commission to adjourn at 8:06 p.m. Virginia Cookson seconded the motion. VOTE: Unanimous.

Minutes submitted Feb. 28, 2010 by Ann Sierks Smith