

**Hamilton Conservation Commission  
Minutes of Meeting of March 11, 2009  
Meeting held at Hamilton Town Hall**

Commissioners present as meeting was convened at 7:35 p.m.:

Nancy Baker, Virginia Cookson, Robert Cronin, John Hamilton (co-chair)

Staff present:

Jim Hankin, Conservation Commission Coordinator  
John Tomasz, Superintendent of Department of Public Works

Others present:

Dick Flynn of Linden St.  
Anna Standley of Linden St.  
Jonathan Markey, consultant  
John Amato, consultant  
Jock Burns of Pingree School  
Jack Lawrence of the Landfill Steering Committee

The Commission is scheduled to meet on Wednesdays March 25, April 8, and April 29, 2009 at 7:30 pm. at Hamilton Town Hall. Site walk is scheduled for Sat., April 4, 2009.

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John Hamilton opened the meeting at 7:35 p.m.

Conservation Coordinator Jim Hankin announced that the date of the Commission's second regular meeting in April has been moved to the fifth Wednesday, April 29. Prior to this meeting, commissioners received a draft proposal of what would be a new Commission policy regarding applicants' submission of supplemental documents, and a Planning Board draft regarding a proposed new commercial overlay district.

Commissioners signed two vouchers.

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Violation Notice

408 Bridge St.

Mark & Karen Kuzminskas, property owners

Substantial cutting of natural wild vegetation within buffer zone to pond, buffer zone to bordering vegetated wetland, and possibly within riverfront

By general consent, commissioners continued this matter to an unspecified future meeting because they have not yet been able to inspect the site, which remains covered with snow.

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Notice of Intent (Public Hearing continued from Nov. 19 and Dec. 10, 2008, and Jan. 14, Jan. 28, Feb. 11, and Feb. 25, 2009)

Linden and Howard Streets

Hamilton Department of Public Works, applicant

Clear streams of debris, re-establish flow

Conservation Coordinator Jim Hankin reported that the scheduled March 7 site inspection of a stream in the Linden and Howard St. neighborhood was cancelled because of snow. John Hamilton explained to two abutters present at this meeting that commissioners want to see one more time the locations of natural growth along the stream, and private lawns that run right up to the stream bank, before they discuss what conditions are appropriate for a permit for the Hamilton Department of Public Works (DPW) to clear debris from the stream.

Commissioner Peter Dana arrived during this discussion, at 7:40 p.m.

Commissioners considered inspecting the site during March, but could identify no date on which all commissioners could be present. DPW superintendent John Tomasz said he would not start the work for weeks anyway, so it would not put the DPW at a disadvantage if the Commission waited until early April to inspect the site. Commissioners scheduled a site visit for Sat. April 4. Mr. Tomasz agreed to a continuance of the public hearing to the meeting of April 8.

Abutter Anna Standley gave commissioners photos of past flooding in the area.

Virginia Cookson made a motion for the Commission to continue this public hearing to the meeting of April 8. Mr. Dana seconded the motion. VOTE: Unanimous.

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Notice of Intent (Public Hearing continued from Feb. 11 and Feb. 25, 2009)

537 Highland Street

Pingree School, applicant; John Amato of JJA Sports, representative

Install artificial turf surface

John Amato of JJA Sports described to commissioners the proposed revamping of a Pingree School playing field that is near wetlands. Pingree proposes to convert an existing grass playing field near intersection of Highland St and the Pingree entrance road into a larger field surfaced with artificial turf. Mr. Amato said the school wants to provide longer, wider playing space for soccer, girls' lacrosse, football, and field hockey. The existing field is barely large enough for field hockey, and below regulation size for the other sports, he said. Pingree's business manager Jock Burns told commissioners that current interscholastic athletic rules for some sports call for games to be played on artificial turf. Mr. Amato said environmental impact was evaluated for five potential sites on campus, and the results indicated that conversion of the field off the entry road would have the least impact.

Mr. Amato provided specifics about the proposal and pointed out features of the proposal on a number of site plans.

- The existing field is 300' X 180 (approx). The proposed field would be 395' X 224 (approx).
- Pingree proposes constructing a concrete walkway along one edge of the proposed field, for spectators; a boardwalk along the east side of the field; and a driveway leading to a paved area at the west end of the field, with a parking space for maintenance vehicles and two handicap parking spaces, which he said are mandated by the Americans with Disabilities Act.
- Fill would be added to raise and level the existing grade; this would range from 1' of fill to 4.5' of fill, at different points on the proposed new playing field.
- A wall, to be topped with a boardwalk, would be built at the east end of the field where filling would result in a substantial drop in grade between the field and wetlands. This wall would be 5' from the existing mow line, and 12' to 15' ?? from wetlands.

The field would have a drainage system beneath the artificial turf. An impermeable high-density polyethylene liner would be laid over the filled, graded soil. Drainage board would be laid on top of the liner; Mr. Amato described this as chunks of recycled plastic with holes in it. The artificial turf would be laid on top of the drainage board. The field would be pitched 8" to facilitate drainage. At the east end of the field, a level spreader along the proposed wall, running the entire length of that end of the field, would direct run-off to two manholes at the northeast and southeast corners of the field. These would connect to a leaching field. At Mr. Dana's request, Mr. Amato sketched a diagram of the proposed wall drainage, showing a subsurface trench drain adjacent to the underground portion of the concrete wall. Mr. Amato said that even in a big storm less than 1/4" to 3/8" of water would sheet over the edge of the wall toward wetlands.

- Pingree's wetland consultant Mary Rimmer reflagged the wetland line near the field in November 2008. At commissioners' request, Mr. Amato highlighted the wetland line on the site plans, and used a highlighter to draw the dimensions and location of the existing field on the plan for the proposed larger field.
- No work is proposed in the resource area. Work is proposed in the wetland buffer zone. Mr. Amato said the limit of work would be about 10' to 15' from the flagged wetland line, in an area that Pingree School currently mows.

Commissioners expressed concern about proximity to wetlands and work within the no disturb zone; the use of an impermeable liner beneath the field; and the chemical components of artificial turf, and their potential effect on wetlands. They discussed each of these issues with Mr. Amato.

John Hamilton pointed out to Mr. Amato that he was proposing work within the no disturb zone. Mr. Amato replied that the land is already disturbed. Peter Dana responded that Pingree is proposing a different kind of disturbance. Virginia Cookson said the fact that land has been disturbed in the past does not mean it is acceptable to build a wall on it. Mr. Hamilton said the fact that lawn exists at the site now does not mean that artificial turf is a grandfathered use. He said there are "major problems" with the proposal. He said Hamilton's Conservation By Law presumes that work within the no disturb zone would

be injurious to wetlands, and to the associated upland resource area; if an applicant wishes to apply to work within that zone, it is the applicant's responsibility to rebut the presumption of adverse impact. He said one way applicants do so is to propose replications of wetlands or buffer zone areas elsewhere on the property, but this filing offers no such proposal. He encouraged Mr. Amato to consult Ms. Rimmer about rebuttal of the presumption of adverse impact.

Commissioners asked whether the location of the field could be built farther from wetlands. Mr. Amato said shifting it toward Highland St. would place more of it over ledge, which would make it necessary to remove rock before building the field. He noted that this would add expense.

Ms. Cookson asked why an impermeable plastic liner and controlled drainage are necessary. Mr. Amato answered that if the field were to drain naturally, it would be very susceptible to frost movement. He said it would be possible, however, to eliminate the liner from the design. He said as designed, the system would drain the field about 11 months of the year, whereas a stone base to the field drainage would only be effective about 9 months of the year. He noted the purpose of the liner is to direct water to a leaching system, about which he had yet to present details. Mr. Hamilton said a liner would create inert land under the field.

Mr. Hamilton described the proposal as "a great change from the existing use," noting that it would add a large amount of fill to the site, as well as concrete, a wall, and artificial turf. Robert Cronin expressed agreement with Mr. Hamilton that there are problems with the proposal.

Mr. Dana asked how the surface of the proposed artificial turf field would be maintained. Mr. Amato said Pingree staff would groom it once a month by dragging a series of brooms behind a tractor, and would pick up leaves and other debris; no chemicals would be applied.

Mr. Amato provided information about the chemical composition of artificial turf, first identifying himself as a member of the board of directors of the Synthetic Turf Council, and one of the professionals writing regulations the U.S. Consumer Product Safety Commission (CPSC) will use for turf. He said lead is used in all synthetic turf in the form of lead chromate, an inorganic pigment. However, he said, most types of artificial turf contain very little lead, and it is embedded in plastic that lasts forever. He said independent toxicity reports state there is no health risk from artificial turf, and the CPSC has found no health risk to children using sports facilities that include such turf. He said standard lead removal techniques cannot extract lead from artificial turf, and called it "for all practical purposes, insoluble." Mr. Dana asked whether lead could leach from artificial turf into wetlands after years of exposure to wind and weather. Mr. Amato said it cannot. He said each particle of the lead chromate used to color artificial turf is encapsulated in glass, and then in plastic material.

Mr. Hamilton said that chemicals from an artificial turf field were shown to have leached into Causeway Brook in Manchester. He said water samples showed the chemicals came not from the artificial turf, but from cement and from white paint used to mark lines on the field, which he said contained a lot of lead. He said as a result, Manchester's conservation commission banned the use of this type of paint.

Commissioners scheduled a site inspection for April 4, and requested that Ms. Rimmer be present. Mr. Hamilton told Mr. Amato that Ms. Rimmer has great expertise regarding the state Wetlands Protection Act and Hamilton Conservation By Law.

Mr. Cronin made a motion for the Commission to continue the hearing to April 8; Mr. Burns consented to this continuance. Ms. Cookson seconded the motion. VOTE: Unanimous.

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#### Discussion

#### Request for grant "seed money" from Conservation Fund

Jack Lawrence of the Landfill Steering Committee and consultant Jonathan Markey of Meridian Associates informed commissioners of a grant opportunity which hinges on the Town being able to contribute \$5,600 to secure a \$40,000 grant to evaluate the feasibility and profitability of siting a wind farm on municipal land on Sagamore Hill. Mr. Lawrence said other Town departments and committees were unable to provide funds in time to meet the grant application deadline the day after this meeting. He asked the Commission to release \$5,600 for this purpose from the Conservation Fund. He called the grant "a tremendous opportunity." He described Town officials scrambling for several days, culminating in selectmen signing and mailing the grant application on the day of this meeting to meet the deadline, even though the Town matching portion had not yet been secured.

Mr. Lawrence and Mr. Markey explained that under the terms of the grant, Hamilton would have to contribute \$8,000. A retired engineer has volunteered to provide services for free that can be valued at \$2,400 for the purpose of the grant. Therefore, only \$5,600 in cash is needed to satisfy the requirement that the Town provide a 15% match of the state's \$40,000, for a total project budget of \$48,000.

Mr. Lawrence said preliminary work on the feasibility of a wind farm on Sagamore Hill has been underway for more than a year. He said if that project moves forward, information that would be gathered might provide good information about whether a similar project might be feasible at the former Hamilton landfill.

Mr. Markey said the grant has been offered to the Town, so if the \$5,600 is committed, it appears certain the \$40,000 in state funds would be forthcoming. He said the \$5,600 would need to be paid in three months, after completion of the feasibility report. He provided information about his firm's ongoing weather research on Sagamore Hill, and

told commissioners that the firm has donated his services in exchange for the Town's permission to set up a weather observation tower.

Peter Dana spoke in favor of the Commission providing the funds. He said it is a small amount, but could be pivotal to Hamilton. Mr. Hankin agreed, and he encouraged commissioners to vote on it immediately, and not to insist it be repaid to the Conservation Fund. He said at the next Town Meeting, the interest from the Clark Fund that would be transferred into the CF would probably replace about half of the money that is being requested. Mr. Hamilton noted that he had been in discussions with Mr. Hankin and co-chair Sarah Getchell earlier in the week. He called the proposal a "very worthy project."

Nancy Baker asked what data would be included in the feasibility study. Mr. Markey said it would be an extensive report with financial pro formas for several scenarios: the Town owning and operating a wind farm, or the Town contracting with a private developer to build and operate a wind farm on Town land. He said in cases like the latter in other towns, the town typically obtains power at a reduced rate from the wind farm operator, and after 15 or 20 years, is deeded the turbine at no charge; after investing in some work on the turbine, a town can then operate the turbine itself and get "free power." He said the Town would be unlikely to have the capital to put up a turbine, so a third party agreement would be likely.

Virginia Cookson asked whether the Economic Development Committee (EDC) could reimburse the Conservation Fund for the expense. Mr. Markey said he was told the EDC might be unable to do so, because its funds are earmarked for expenditures that would increase the tax base of the town.

Nancy Baker asked whether the Conservation Fund's eligibility rules would allow money from the fund to be used for this purpose. Mr. Hamilton answered that one of the Commission's functions relates to natural resources, and wind power is a natural resource.

Commissioners discussed whether it would be necessary to consult members of a family trust, the interest of which helps fund the Conservation Fund. They concluded that this is unnecessary.

Mr. Dana made a motion for the Commission to authorize payment, if necessary, of \$5,600 to secure a grant from the Massachusetts Technology Collaborative. Ms. Cookson seconded the motion. VOTE: Unanimous.

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## Discussion

Commercial Overlay District by law proposal draft

Jack Lawrence of the Landfill Steering Committee (LSC) discussed with commissioners the current draft of a proposed by law being fine-tuned by the Planning Board. It would

create a commercial overlay district for 54 town-owned acres on Chebacco Rd. that used to be the town landfill. He displayed a large aerial photo of the site and referred to it as the discussion proceeded. He said the Planning Board would like the Commission to comment on the draft. He said the proposal has been updated again since the document was sent to commissioners; the newer version does not change the substance, but improves and shortens the language. Commissioners asked for this newer version to be sent to them.

Mr. Lawrence summarized the 4½ page by law proposal as laying out development parameters for the 54-acre dumpsite, for commercial or open space uses. He said some areas of the former dump are “drastically disturbed,” but others are pristine and have “tremendous potential” for development. He said a high, flat, heavily wooded area at the south corner of the parcel farthest from the road has the best development potential, but it might be difficult or impossible to access it from Chebacco Road across wetlands and filled areas. He said a study established that not much lead has leached from lead shot from the gun club located at the western corner of the parcel farthest from the road.

Commissioners and Mr. Lawrence discussed the two cells of the former landfill, and the two gun clubs that operate at the site.

Mr. Lawrence said cell one of the dump, on the southern half of the parcel close to Chebacco Rd., has not been certified by the state Department of Environmental Protection (DEP) but the LSC believes it probably is entitled to legal certification as being properly capped. Mr. Lawrence and some commissioners agreed this is not the case of cell 2, which is on the further north on the parcel and set back a bit from the road. They discussed how some land features on the parcel were created over the years, the locations of wetlands, and various issues regarding the possible contents of the landfill cells.

John Hamilton told Mr. Lawrence the Commission is interested in preserving the two shooting ranges at the former landfill, the Rod & Gun Club rifle range and the Marsh Rats skeet shooting range. He noted that one of the Commission’s functions is to preserve and protect open space for recreational use. He suggested the by law proposal should specify that shooting ranges would be permitted on the parcel. Mr. Lawrence said this is unnecessary because it is an existing use, but Mr. Hamilton said it would be good to put it in writing because the gun clubs have been controversial over the years, and he does not want to leave “room for interpretation.”

Mr. Lawrence said it is extremely unlikely that the area the Rod & Gun Club uses at the north back corner of the parcel could ever be developed. He said it is possible that the Marsh Rates’ location could be developed; he suggested that if this proved viable, the Marsh Rates might be able to move to a defunct shooting range closer to the pond toward the back of the parcel.

Mr. Hamilton also suggested the by law proposal specify that wind turbines would be a permitted use. Mr. Lawrence said turbines fall within the general term “commercial development.” Mr. Hamilton recommended the use be specified nevertheless.

Commissioners agreed to put their comments and recommendations in writing, and e-mail them to Mr. Hankin, who would produce a document and send it to the Planning Board on March 23.

Commissioners briefly discussed with Mr. Lawrence the Town of Manchester-by-the-Sea’s position on possible development of the landfill site. Mr. Lawrence said that Manchester officials were “a bit hostile at first” but now appear willing to work with Hamilton, perhaps even to the extent of considering development across the town border into Manchester. Mr. Lawrence said it appears Manchester does not have exclusive water rights in the area. Ms. Baker said it would be important to make sure any contemplated development would not be in conflict with Manchester’s groundwater protection district.

Mr. Lawrence said abutter Betsy Spang is very concerned about potential light pollution. He said the draft of the by law proposal addresses this by specifying that exterior lighting would have to be localized.

Ms. Baker and Peter Dana left the meeting at 9:28 p.m., at which point a quorum of commissioners was no longer present. The meeting ended without an official vote to adjourn.

Minutes submitted March 16 by Ann Sierks Smith