

**Hamilton Conservation Commission
Minutes of Meeting of March 13, 2013
Meeting held at Hamilton Town Hall**

Commissioners present:

Stacy Carpenter, Bob Cronin, Peter Dana, Keith Glidden, Richard Luongo (chair),
George Tarr.

Staff present:

Jim Hankin, Conservation Coordinator

Others present for a portion of the meeting:

Bill Manuell, Clynton Hunt, Susan Kline, Hugh Collins

Richard Luongo opened the meeting at 7:30 p.m. and noted that the meeting was being recorded for the minutes secretary. Jim Hankin noted that there is nothing currently on the Commission's agenda for its March 27 meeting.

Notice of Intent (Public Hearing continued from February 27, 2013)

90 Moulton Street

Susan Kline, Applicant, Bill Manuell of Wetlands & Land Management

Re-align driveway, perform various site activities within buffer zone and riverfront.

(NOI distributed to HCC via email prior to 2/27 meeting.)

Site walk was held on Saturday, March 9. Mr. Manuell had no comments beyond what he originally presented to the Commission. Mr. Hankin notes that DEP website shows no DEP comments.

Manuell responded to Commissioner that a stacked boulder wall was considered for pool retaining wall but it would require more ground preparation. He added that the only way to stabilize what is there is to tear the wall down and reconstruct it with a tieback system. This is why the concrete wall is being recommended.

Keith Glidden made motion to close the public hearing. Bob Cronin seconded the motion. Motion carries unanimously.

Mr. Glidden made a motion to issue an Order of Conditions with standard special conditions. Mr. Hankin will inspect the erosion control barrier once installed before work begins. Mr. Cronin seconded the motion. Motion carries unanimously. Mr. Luongo noted that Commission members Stacy Carpenter and Peter Dana arrived at the meeting at 7:35 p.m.

Violation Notice

203 Essex Street

Impoundment of stream; creating skating area

Clynton Hunt, owner, noted that he received a letter from the Commission last year and he thought it was humorous and did not believe there was any environmental impact from his

skating rink. Mr. Hankin explained if Mr. Hunt had responded to the letter last year and if all of the boards were removed in the spring there would not have been the need for violation notice.

Mr. Hunt explained how his children play hockey and there are a lot of backyard rinks in Hamilton. He said his family loves the environment and would not intend to damage it. Mr. Hankin explained that a permit was needed for this project. Mr. Hunt said they would not restore the boards and he apologized for the violation. He explained how five years ago he spent money to get the water to flow and this included pulling out trees. Mr. Hankin concurred acknowledging that Mr. Hunt had worked with the Chebacco Woods Land Management Committee to do a project in the stream and CWLMC needed the money for a permit.

Discussion ensued about the small bridge in this area. Mr. Hunt said it was there when he bought the property. Mr. Luongo explained that any building in the wetlands and placing of the boards is illegal. Mr. Hunt said the boards are held in with stakes when the weather gets cold. This year only one board was installed under the bridge. The Commission noted that if the board is on top of the ice that is fine. Discussion ensued about how wildlife goes through the water all year long and so these boards should not stay in. Mr. Hunt said he could put the boards in while skating occurs and then take them out. The Commission agreed that the boards should come out in the summer. Also addressed was a board that stabilizes bank and that other boards for the rink should be removed.

Discussion revisited origin and use of bridge where Mr. Hunt said there are many fallen trees preventing much walking in area. The Commission explained to Mr. Hunt the importance of not dumping leaves or grass clippings into the wetland. Mr. Hankin summarized what the Commission agreed to as the hockey area can be created in frozen water condition and when finished skating for the day the boards are removed. Once spring thaw occurs the boards have to come out of the resource area permanently until next year when there is frozen water condition.

Mr. Dana moved to issue a Memorandum of Understanding for Mr. Hunt at 203 Essex Street. Ms. Carpenter seconded the motion. Motion carries unanimously. Mr. Hankin will draft letter containing Memorandum of Understanding and email it to the Commission for review, he'll incorporate comments and mail it to Mr. Hunt next week.

Certificate of Compliance (expired OOC)

74 Autumn Lane

Construction of single family dwelling, #172-0179 recorded BK 19023 page 459 (A title search pursuant to a pending sale of 74 Autumn Lane indicates that the COC for #172-0179 (OOC issued August 1991) was never recorded and HCC office files have no record of one requested or issued. This OOC permitted the construction of the dwelling and the septic system with associated site work. The fee for issuing a COC on an expired OOC has been paid.

Mr. Hankin notes that there is a closing on 74 Autumn Lane scheduled for next week. He mentions that Certificate of Compliance was never issued for original building lot. To clear the title for this lot a COC is required. Mr. Hankin had photographs of 74 Autumn Lane that is located up a small hill and is bordered on two sides by wetlands. He referred to a photograph of the backyard because in the early 2000s the Commission had ordered that posts be installed to indicate the limit of lawn and there has been compliance. The house has the same footprint as shown on approved plans. He indicated that this is a paperwork issue that needs to be corrected. Mr. Hankin noted that the \$50 fee for issuing COC on an expired OOC has been paid.

Mr. Dana moved to issue a Certificate of Compliance for 74 Autumn Lane. Ms. Carpenter seconded the motion. Motion carries unanimously.

Discussion

Selectmen are asking the Commission to assist in finding a candidate for BOS appointee to the Chebacco Woods Land Management Committee. The Hamilton BOS member Rick Vancisin has moved out of Town and resigned from CWLMC.

The Howard-Highland Street Mosquito Control Project, hand tools cleaning of stream area from Howard to Highland, is ready to begin. HCC has been working with DPW and the neighbors to address long term flooding problems in the area and DPW petitioned Mosquito Control District for assistance. The Commission received a copy of Mosquito Control District work description and other materials sent to HCC by Wetlands Director Emily Sullivan of Mosquito Control District. The Mosquito Control District work is exempt under the WPA and by-law.

Mr. Hankin mentioned that Notice of Intent was filed by DPW to address flow in stream but this was withdrawn after receiving extensive regulatory comment from DEP.

Discussion ensued about how uncertain the level of any relief from mosquitoes will result from the NEMCD clearing. Mr. Hankin said he is sympathetic to the neighbors, respectful of Mosquito Control's expertise and states that his option is that HCC is bound by statute to respect NEMCD's decisions on mosquito control.

Discussion ensued about debris in water and overhanging vegetation. Mr. Glidden recommends Mr. Hankin be on site when work begins to assess where overhang pruning will occur. Mr. Hankin said he would notify Ms. Sullivan. Discussion also addressed how bank would not be altered by Mosquito Control and how an increase in flow to reducing standing water and flooding would result in some benefit *vis a vis* mosquitoes.

Mr. Hankin suggested that Ms. Sullivan could attend a Commission meeting or the Commission could conduct a site walk. He added that the neighbors would have had to grant consent to Mosquito Control for access to their property. Mr. Hankin explained that the Commission would be receiving an NOI application when there are plans to reconstruct or replace the culvert on Howard Street. That is a separate project from mosquito control. Mr. Glidden suggested the area be documented before the work begins and after it occurs. Mr. Hankin reiterated his intent to contact Ms. Sullivan.

Acceptance of the Feb. 27, 2013 minutes

Mr. Glidden moved to accept the Commission's Feb. 27, 2013 minutes. Mr. Dana seconded the motion. Motion carries unanimously.

Mr. Cronin moved to adjourn. Mr. Glidden seconded the motion. There was no discussion. The Commission voted unanimously in favor of the motion. Commission adjourned at 8:07 pm.

Minutes submitted March 27, 2013 by Jane Dooley