

**Hamilton Conservation Commission  
Minutes of Meeting of March 24, 2010  
Meeting held at Hamilton Town Hall**

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

Nancy Baker (co-chair), Robert Cronin, Peter Dana, Richard Luongo

Staff present: Jim Hankin, Conservation Coordinator

Others present for portion of the meeting:

Mary Rimmer, consultant

The Commission is scheduled to meet on April 14 and 28, 2010 at 7:30 p.m. at Town Hall. Site walks are scheduled for Saturday, April 10, 2010.

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Nancy Baker opened the meeting at 7:40 p.m.

Conservation Coordinator Jim Hankin noted that commissioners received the following documents prior to this meeting: a letter from wetland consultant Mary Rimmer conveying the Myopia Hunt Club's request for modification of an existing Order of Conditions (OOC); 2 pages of a 3-page report from the Essex County Trails Association (ECTA) about trail work performed in 2009 under the Town Wide Trail Management Plan; a page of Commission regulations relevant to an item on the agenda for this meeting; a 2-page news release from the University of New Hampshire about research on runoff from seal coating; and an e-mail from the Hamilton Community Preservation Committee coordinator inviting commissioners to a March 29 public hearing on a warrant article proposing revocation or repeal of the Community Preservation Act in Hamilton.

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Request to Modify an Order of Conditions and By Law Permit & Request for One-Year Extension for By Law Permit

435 Bay Road

Myopia Hunt Club, landowner; Mary Rimmer, representative

New underground lines within currently permitted limit of work. Order of Conditions and Local Permit issued March 4, 2009. DEP File #172-0525; recorded March 6, 2009, book 28384 page 015.

The Myopia Hunt Club's wetland consultant Mary Rimmer told commissioners that club officials want to do more extensive paving than they originally proposed as part of a septic upgrade project that the Commission approved in 2009, and which was underway at the time of this meeting. Originally the Club proposed to cut back one edge of 1500' of driveway that runs near wetlands associated with the Miles River, dig trenches below it, lay sewer pipe, and then repave that edge of the driveway over the filled trenches. Club officials now want to repave the entire 16' wide driveway, as well as parking areas that

are outside Commission jurisdiction. Ms. Rimmer said the existing pavement would be ground and the material used in the repaving process. The width of the driveway would not change. A filter sock used for erosion control during trenching remains in place. Ms. Rimmer said the Club wants to do the work during April, because heavy equipment will already be on site.

Nancy Baker raised a number of issues about the proposed change. She asked for quantitative data about how repaving the full width of the driveway would change the impact of the project on wetlands. She said the work might constitute "improvement" of a roadway, as opposed to maintenance, which is considered differently by the Wetland Protection Act (WPA). She said if the original Notice of Intent had proposed repaving the entire driveway, she would have suggested then that drainage improvements be part of the project. She said repaving the entire width of the driveway would increase the area of impact to 16,000 square feet in the riverfront zone, and 800' in the inner riparian zone. She suggested that an amendment, as opposed to a modification, might be more appropriate given these issues.

Ms. Rimmer responded that the change in impact would not be great; she did not offer specific figures. She characterized the proposed more extensive repaving as maintenance of an existing roadway; Robert Cronin agreed. Peter Dana said that in the WPA the restoration of roads is understood as an improvement. Ms. Rimmer said the area through which the driveway passes is very flat; she questioned whether drainage could be improved without building up the road. She said there are culverts in place below the driveway that drain wetlands to the Miles River.

Mr. Hankin noted that requesting an amendment requires the applicant to notify abutters, and publication of legal notice of the public hearing.

Ms. Baker asked whether Club officials are open to installing pervious pavement; Ms. Rimmer said she did not think so. Ms. Baker commented that modifications to OOCs typically are granted for "negligible" changes such as location of trees.

Following further discussion, Mr. Cronin made a motion for the Commission to consider the proposed repaving of the entire surface of the driveway to be maintenance, and to modify rather than amend the existing Order of Conditions. Richard Luongo seconded the motion. VOTE: 3 yes, 1 no (Ms. Baker).

Mr. Hankin said the By Law permit for this work expired the week prior to this meeting, but the state permit would remain in effect for another 2 years. Ms. Rimmer verbally requested a one-year extension of the By Law permit.

Mr. Luongo made a motion for the Commission to extend the local permit for one year. Mr. Cronin seconded the motion. VOTE: Unanimous.

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Request for 3-Year Extension under Wetland Protection Act and By Law

Essex County Trail Association Town Wide Trail Management Permit  
Order of Conditions and Local Permit issued April 18, 2007. DEP File #172-0493;  
recorded May 28, 2007 book 26969 page 109.

Conservation Commissioner Jim Hankin explained to commissioners who recently joined the board the nature of the Essex County Trails Association's (ECTA) Town Wide Trail Management Plan. Five years ago, commissioners and ECTA representatives wished to streamline procedures for approval of routine trail maintenance tasks, so ECTA would not have to file a Notice of Intent and spend large sums on consultants for multiple instances of very similar maintenance and repair projects. In 2007, ECTA proposed and the Commission approved a Town Wide Trail Maintenance Plan that allows ECTA to contact Mr. Hankin for administrative review and approval of specified trail maintenance tasks. Mr. Hankin said this saves him and ECTA a lot of paperwork. The Maintenance Plan requires ECTA to submit a written report after the close of each year with information about each project that received administrative approval, and went forward, in that year. The document before the Commission at this meeting was ECTA's report for 2009.

Mr. Hankin noted that he mistakenly included only 2 pages of the 3-page report in the packet provided to commissioners prior to the meeting. He said he would e-mail the third page to them.

Mr. Hankin said ECTA submits a written narrative, a project site map, and a signed landowner consent form for each proposed project. Professionals perform the work. Mr. Hankin said he can, and has, required ECTA to go through the conventional procedures of filing for permits for projects he judges are beyond the scope of the Trail Maintenance Plan. He noted that this was the first such trail maintenance plan in the state, and that several communities have since adopted similar ones using it as a model.

Mr. Hankin said the Commission in 2007 approved the plan for 3 years. He recommended the Commission approve it for another 3 years.

Richard Luongo made a motion for the Commission to extend for three years the state and local permits detailed in the Town Wide Trail Maintenance Plan, under the Hamilton Conservation By Law and the Wetland Protection Act. Peter Dana seconded the motion.  
VOTE: Unanimous.

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Certificate of Compliance

265 Woodbury Street

Tim Davis Owner

Order of Conditions and Local Permit issued July 12, 2007. DEP File #172-0501;  
recorded July 30, 2007, book 27062 page 328.

Conservation Coordinator Jim Hankin said he inspected 265 Woodbury St. and found some areas disturbed during for construction of a new home are not yet vegetated, and stones still need to be placed outside some perimeter drains. He said the site is not ready for a Certificate of Compliance. He said he notified the homeowner of work that remains to be completed. By general consent the Commission continued this matter to the meeting of April 14, 2010.

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Richard Luongo made a motion for the Commission to accept the minutes of Feb. 10 and Feb. 24, 2010 as presented. Peter Dana seconded the motion. VOTE: Unanimous.

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#### Discussion

Commission Coordinator Jim Hankin and two commissioners reported on workshops they attended at a recent conference of the Massachusetts Association of Conservation Commissions. Mr. Hankin said he attended a session about municipal finance that included information about revolving accounts; he suggested investigation whether the Commission could get some funds into revolving accounts, to retain them for Commission use. Nancy Baker said a speaker in a workshop about open space mentioned organizations that help "put a price on open space." Richard Luongo spoke highly of workshops about identifying minerals and plants.

Peter Dana reported on the Community Preservation Committee, on which he serves as the Commission's representative. He said the Committee has built up a \$1.2 million balance and hopes to spend it on one or more large, meaningful projects. One possible project under discussion is acquisition of the Donovan property on Sagamore St., which contains athletic fields that the owner allows youth sports leagues to use. Mr. Dana said LandVest appraised the parcel at \$650,000 to \$720,000. He said the CPC would prefer to put up part of the money, appeal to townspeople to match it, and also apply for state grants. He said Wenham should also contribute funds, because residents of that town also use the athletic fields.

Mr. Hankin relayed Ms. Baker's suggestion, made at an earlier meeting between the two, that the Commission invite the incoming Town Manager to a Commission meeting soon after he begins his job. There were no objections. Mr. Hankin said he would make the invitation, probably in April. He reported that Town Counsel Donna McKenna will not seek reappointment.

Robert Cronin made a motion for the Commission to adjourn at 8:45 p.m. Mr. Luongo seconded the motion. VOTE: Unanimous.

Minutes submitted March 29, 2010 by Ann Sierks Smith.