

**Hamilton Conservation Commission
Minutes of Meeting of April 24, 2013
Meeting held at Hamilton Town Hall**

Commissioners present:

Stacy Carpenter, Virginia Cookson, Bob Cronin, Peter Dana, Richard Luongo (chair),
George Tarr.

Staff present:

Jim Hankin, Conservation Coordinator

Others present for a portion of the meeting:

Mike DeRosa, DeRosa Environmental
Scott Dewitt, 0 Wood Drive property owner

Richard Luongo opened the meeting at 7:30 p.m. Jim Hankin noted that the meeting was being recorded.

Notice of Intent (Continued Public Hearing)

0 Wood Drive

Mike DeRosa, DeRosa Environmental, representing applicant Scott Dewitt

Mr. Hankin described how the Commission had a copy of email from Mike DeRosa, DeRosa Environmental, concerning Mr. Hankin's inquiries about the project.

Mr. Hankin also noted that the Commissioners had a copy of a death certificate for Raymond L. Bailey, former owner of 0 Wood Drive. The applicant had presented the death certificate to demonstrate that Mr. Bailey was in residence on the appropriate date for the less restrictive setback zones to apply.

Also noted was a picture of proposed post and placard on top of post that the Commission might consider as a condition to monument the wetland area at O Wood Drive. Mr. Hankin also referred to a copy of survey plot plan done of the parcel that shows floodplain Zone A. Mr. DeRosa is going to have his surveyor place that line on the file site plan as requested by the Commission.

Mr. Luongo re-opened the public hearing. Mike DeRosa mentioned total square footage of 280 square feet temporary wetland impact for the temporary trench for electrical and septic connection. Mr. DeRosa said organic soils would be put on a tarp adjacent to excavation and sand or gravel would be laid down, pipes would be installed and covered up with organic soils put back on top with no change in grade.

Mr. DeRosa said 10' on center along the boardwalks and decks within the wetland was 67 points and with 3" galvanized steel posts for a total of 50 square feet within the BVW. He suggested that with all of the mitigation and plantings this would be compensated for adequately.

Mr. DeRosa referred to the marking post photograph used for notice that an area is subject to strict conservation regulation. He reiterated Mr. Hankin's statement that the land surveyor would add floodplain lines onto the plan. In addition, he mentioned another insurance company letter

dated March 26, 2013 that refers to tree cutting near the buildings and the importance that the trees should be removed soon. Discussion ensued about the necessary trees and brush to be cut to provide clear access for public safety. Mr. DeRosa cited DEP file number 172-0561 and said there were no comments from DEP.

Commissioner Peter Dana arrived at 7:35 p.m. Stacy Carpenter said she would have preferred an explanation from the insurance company about which specific trees needed to come down.

Mr. Hankin noted that the wetland area was going to be re-established around the lakeside cottage and it would take some time for that to happen. Mr. Hankin also indicated that, given this fact, the local permit term under the bylaw should coincide with the Order of Conditions which is three years. Mr. Hankin said there would be monitoring and reports filed on status of the wetland after it is planted with photos taken once a year. Mr. DeRosa said it would be BVW replication.

Mr. Hankin also suggested that the Commission make a formal finding for precedent purposes regarding the activity in the 25' No Disturb Zone and 50' No Build Zone. He summarized the applicant's argument that the re-establishment of the wetland with the placement of boardwalks around the cottage and that would create a functional wetland. Mr. Luongo thought the wetland area would be improved with the proposed actions by applicant. Ms. Carpenter said given the design considerations regarding what is located at the site and is permitted by the Town agencies, this is one of the better designs.

In response to Mr. Dana, Mr. DeRosa said he is seeing more frequently from insurance companies the requirement to cut trees and shrubs near buildings. He explained the position of insurance companies when providing insurance in high wind areas relative to interpretation of global climate change issues with more severe storms and resulting impact (i.e., Plum Island) where they are requiring that sites be cleaned up and maintained to prevent existing threats from particularly tall trees.

Mr. Luongo suggested that the insurance company for Mr. Dewitt could define which trees need to come down. Discussion ensued about the belief that insurance companies are trying to protect themselves against liability relative to specifying tree removal at insured properties. Mr. Dewitt said the majority of the trees to be removed are related to the septic system and its lines. Some of the Commissioners said this trend with the insurance companies is troubling.

Mr. Hankin said when the Commission permits the project it considers the interest of the Wetlands Protection Act and Town's by-law. Mr. Luongo suggested that the main reason for the trees coming down is they are near the septic system not the insurance company's specifications. Mr. Hankin said a finding could be that the Commission finds the need for tree removal attributed to the septic system and access for public safety. He noted that the health agent has approved the septic system plan.

Mr. Hankin proposed possible findings as applicant has successfully rebutted the presumption of adverse impact by proposal to restore and re-establish the wetland in the area of the lakeside cottage, and that the main purpose of the tree removal approved on this plan is for requirements of septic system and access for public safety and fire protection vehicles as required by other municipal agencies for other permits, and that the permit should last three years instead of one year.

Bob Cronin moved to approve the Notice of Intent with the findings pursuant to the Order of Conditions. Ms. Carpenter seconded the motion. Mr. Hankin would have access to the property

with reasonable notice to inspect that re-establishment of the wetland is being done. He said if the parcel is sold, one of the boilerplate conditions is notice to the Commission of the new property owner. Mr. DeRosa said it is standard to provide the Commission with an as-built plan when the project is done. The Commission said after two years there could be discussion with applicant about if life of permit should last for three years. The Commission voted unanimously in favor of the motion.

Mr. Dana moved to close the public hearing. Ms. Carpenter seconded the motion. The Commission voted unanimously in favor of the motion.

Discussion ensued about how future Commission site walks could include a representative from insurance company to inform the Commission about how the insurer arrives at decision about trees needing to come down on a site the company is insuring.

Acceptance of the April 10, 2013 minutes

Mr. Dana moved to accept the Commission's April 10, 2013 minutes. Ms. Carpenter seconded the motion. The Commission voted unanimously in favor of the motion.

Virginia Cookson joined the meeting at 7:55 p.m.

Election of Officers

Mr. Hankin noted the regulations of the Commission specifying that the Election of Officers is to occur the first meeting after Annual Town Meeting. Discussion ensued about how the Commission has only elected a chair versus co-chair for the past few years.

Mr. Cronin moved to elect Mr. Luongo for another term as chairman for a term to begin July 1, 2013 and expire on June 30, 2014. Ms. Cookson seconded the motion. The motion carried 5-0-1 with Mr. Luongo abstaining.

New Business

Mr. Hankin said he would not be able to attend the June 12, 2013 Commission meeting so he requested that the Commission meet on Thursday, June 13, 2013. The Commission said it was fine with this rescheduled date.

Mr. Hankin updated the Commission about the filing to be addressed at its May 8, 2013 meeting from the DPW to reconstruct the culvert on Howard Street. In addition, several years ago the Commission issued an Order of Conditions to allow the culvert at Linden Street to be replaced and the work never occurred and the permit expired. So the DPW is filing an NOI to replace two culverts.

Mr. Cronin moved to adjourn. Ms. Cookson seconded the motion. There was no discussion. The Commission voted unanimously in favor of the motion. Commission adjourned at 8:06 pm.

Minutes submitted May 2, 2013 by Jane Dooley