

**Hamilton Conservation Commission
Minutes of Meeting of May 25, 2011
Meeting held at Hamilton Town Hall**

Commissioners present:

Peter Dana, Keith Glidden, Richard Luongo (co-chair), George Tarr

Staff present:

Jim Hankin, Conservation Coordinator

Others present for all or a portion of the meeting:

Jacob Murray, consultant

Glenn Sprague, consultant

The Commission is scheduled to meet at 7:30 p.m. on April 27, May 11, and May 25, 2011. Site walks are scheduled for Saturday morning May 7.

Richard Luongo opened the meeting at 7:40 p.m.

Conservation Coordinator Jim Hankin announced that the June 2011 site walks will take place on Sun. June 5 instead of on the usual first Saturday of the month, so that commissioners can be involved in National Trails Day on Sat. June 4. Regular meetings of the Commission are scheduled for Wed. June 8 and Wed. June 22, 2011. He noted that he distributed to Commissioners a recently received filing regarding proposed work at Pingree School, which has been placed on the agenda of the June 8 meeting; commissioners are to inspect the site on June 5.

Peter Dana made a motion for the Commission to approve the minutes of April 27, 2011 as presented. George Tarr seconded the motion. VOTE: Unanimous.

Request for Determination

130 Essex Street (Gordon Conwell Theological Seminary [GCTS])

GCTS, applicant; Waterfield Design Group, representative

Perform re-grading to accommodate a new leaching field; leaching field to be outside jurisdiction, with work at 75' to 100' from edge of wetland

Jacob Murray of Waterfield Design Group described the proposed construction of a septic leaching field to replace the existing leaching field on the campus of Gordon Conwell Theological Seminary (GCTS), and pointed out the components of the system on a site plan. The existing field is on an area of lawn near the existing septic treatment plant located near the Woodbury Street entrance to the campus. GCTS proposes to relocate the leaching field to a slope closer to the Essex St. entrance to campus; existing pumps located near the plant would pump effluent uphill to plastic leaching chambers. The leaching field would be outside Commission jurisdiction, but excavation of trenches for piping between the treatment plant with the new leaching field would come within 89' of wetlands, and some regrading would take place 88' from wetlands. Lines of hay bales, which appear on the site plan, would be placed on the wetland side of those areas of grading and excavation. Mr. Murray said the state Department of Environmental Protection (DEP) approved the septic design, and did not require installation of a membrane around the leaching area. The new field would include four distinct leaching areas, each with a separate pump; if one pump were to fail, the others could function while repairs took place.

Topsoil would be stockpiled during construction, and re-spread over disturbed areas. Lawn would be reseeded and other plantings installed along the top and edges of the leaching field.

Keith Glidden asked what equipment would be used. Glenn Sprague of Martinage Engineering said a small backhoe would be used to dig trenches for piping within jurisdiction, and a small bulldozer would be used for the grading within jurisdiction. He noted that most work would take place outside the wetland buffer zone.

Conservation Coordinator Jim Hankin said he inspected the site. Most of the area that would be disturbed is lawn; there is a little vegetation directly around the water treatment plant. He called the project large but noninvasive. He said that while on site he observed a dumpsite that the Commission should discuss separately from this filing.

Peter Dana asked about changes in elevation. Mr. Murray said the knoll on which the leaching field would be installed slopes in two directions. On one side, the elevation would change from 72' to 77'. On the other, it would stay roughly the same, at 75'. He said elevations were established by a geo-hydro study by a geo-technical firm, as required by DEP.

Mr. Sprague said he hopes to begin work in early July and complete the job before GCTS begins its fall term.

Mr. Glidden made a motion for the Commission to grant a negative determination. Mr. Dana seconded the motion. VOTE: Unanimous.

Commissioners signed the determination.

Discussion

Compost / dumping area, Gordon Conwell Theological Seminary

Conservation Commissioner Jim Hankin reported that when he recently visited the Gordon-Conwell campus, he noticed a backhoe in an area that is wetlands, or close to wetlands. The area is southerly of Pilgrim Hall and is shown in more detail on plans and pictures on file in Commission office. He said it appears that grounds workers have been placing grass clippings, stumps and other material in a fenced area for quite some time, which have composted, and created an area that is at a higher level than the wetlands around it; he said he thinks that the area is in the resource area or in the no disturb zone, or may lie across both. He reported seeing sections of ceramic pipe in the dumping area, as well as signs that burning takes place there. He said he notified GCTS's wetland consultant Jacob Murray about what he observed. He recommended the Commission issue a cease and desist order, inspect the site on June 5, and ask GCTS to have its representative attend the June 8 meeting to discuss this matter with the Commission.

Commissioners agreed that dumping at the site should cease immediately. They instructed Mr. Hankin to issue a Violation Notice on the day after this meeting, with the terms he suggested.

Mr. Hankin informed commissioners that the state Department of Environmental Protection advises local commissions not to require that property owners file Notices of Intent in such cases; rather, DEP encourages commissions to resolve matters under the terms of enforcement orders.

Certificate of Compliance

402 Bridge Street

Daphne Faldi, applicant

Construction of single family dwelling and associated site work and septic system; DEP file # 172-0484, recorded Book 25749 page 389, Order of Conditions issued May 30, 2006

Conservation Coordinator Jim Hankin provided background information. The parcel at 402 Bridge St. was created by subdivision of the Bobby Clark property off Bridge St. Prior to a construction of a home, in 2006 the owner had site work done near wetlands without first filing with the Commission. The parcel had been a dump area for the larger Clark property, and in preparation for construction the owner had garbage and brush cleared from a slope that drains toward wetlands. Stumps also were removed. Upon learning of the work, the Commission directed the owner to file a Notice of Intent; the owner did so. The Commission issued an Order of Conditions in May 2006 requiring installation of a hay bale line as the limit of work, and the applicant agreed to put down matting and plant an appropriate wetland mix along the slope, to stabilize it.

Mr. Hankin said he recently contacted the property owner because although the project was completed some time ago, no application was filed for a Certificate of Compliance (COC). The owner said she was unaware one was needed; she filed the necessary paperwork. Mr. Hankin inspected the property. He told commissioners the slope is completely stabilized, plants are thriving, and the wetlands look as they did in 2006 when the Commission inspected the site. He said the lawn area stayed within the limit of work, and the plan the Commission approved was followed. He recommended the Commission issue a COC.

Peter Dana made a motion for the Commission to issue a Certificate of Compliance. George Tarr seconded the motion. VOTE: Unanimous.

Commissioners signed the COC.

Discussion

Proposed change to Commission fees

Commissioners briefly discussed a draft of possible changes to the Commission's fees, and decided to wait until a future meeting when more members of the Commission are present, to vote on whether to schedule a public hearing on these proposed changes. They discussed whether to institute a separate fee for a Certificate of Compliance, and whether to assess fees upon the Commission's ratification of an Enforcement Order or Violation Notice. They reached no consensus on either issue.

Discussion

Associate members

Mr. Hankin reported he e-mailed the three associate members of the Commission, at the Commission's request, to ask whether they wish to continue in that role. John Rhoads and John Hendrickson replied that they do. Mr. Hankin said he received no reply from Mark Carleo, who has not been in touch with the Commission office for some time. Richard Luongo suggested Mr. Hankin send another e-mail to Mr. Carleo.

Discussion

Election of Officers

Mr. Hankin said regulations call for the Commission to elect officers at the first meeting following Town Meeting, but for several years the Commission has deferred this to a meeting in June. Commissioners decided informally to select officers for FY2012 at a future meeting when more members are present.

Peter Dana made a motion for the Commission to adjourn at 8:20 p.m. George Tarr seconded the motion. VOTE: Unanimous.

Minutes submitted May 27, 2011 by Ann Sierks Smith