

**Hamilton Conservation Commission  
Minutes of Meeting of May 8, 2013  
Meeting held at Hamilton Town Hall**

Commissioners present:

Bob Cronin, Keith Glidden, Richard Luongo (chair), George Tarr.

Staff present:

Jim Hankin, Conservation Coordinator

Others present for a portion of the meeting:

Dave Hanlon, Interim DPW Director

Dick Flynn

Anne Standley

Martin Miserandino

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

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Mr. Hankin referred to an Emergency Certification form that he had signed on April 29, 2013 to repair a failing gabion wall along Woodbury Street.

**Notice of Intent** (Public Hearing)

Linden and Howard Streets

Mr. Luongo opened the public hearing.

Mr. Hankin explained that the Notice of Intent was filed electronically with DEP and the state agency made no comment.

Mr. Hanlon gave the Conservation Commission an overview of the NOI describing the Linden Street culvert and Howard Street twin culverts. He noted that the proposal is to change culverts. On Howard Street there are two, twin 24" corrugated culverts and one is inoperable. He mentioned that the outlet has one pipe that is operable and there is a lot of sediment in front of it.

Mr. Hanlon referred to report from the Northeast Mosquito Control District (NEMCD) relative to the streambed to Highland Street and to wetlands beyond Highland Street. He noted that NEMCD recommends machine clearing to address sediment buildup further downstream. However, the public hearing on NOI addresses reconfiguration of the Howard Street culverts and replacement of Linden Street 8" concrete culvert. Mr. Hanlon said the twin corrugated culverts are rotted and he would like to add two, 20" smooth bore pipes leading to a 36" smooth bore outlet pipe.

Mr. Hanlon proposed cutting into Howard Street and building a special structure to accommodate the proposed pipes. He described how there is a tree that a resident would like to preserve so this was considered in the proposed reconfiguration. So the two 20" pipes would handle capacity leading to one pipe to direct flow away from tree and discharging in the same location. Mr. Hanlon said this would probably require a new headwall.

On Linden Street, the 8" pipe would be replaced with a pipe equal in capacity to the pipes to be installed at Howard Street. Mr. Hanlon also noted that new water lines are being installed along Howard and Linden Streets. After the water system installation is completed, a change order will be implemented with the water line contractor to have him do the culvert work.

Discussion ensued about discharge into the structure and a straight shot for the outlet. Mr. Hanlon said this takes field engineering to look at the situation, the existing flows and getting the best capacity. Mr. Hanlon said when the contractor is given the change order it will include scope of work and engineering plan.

Discussion addressed how the existing line goes through the resident's driveway between house and tree. Mr. Hanlon said the DPW would ask the owner(s) to sign off on a right of entry and an easement would be based on either side of the centerline of the pipe. Discussion confirmed that the Town Meeting had approved a permanent easement across the property but it was not defined as to location. Mr. Luongo suggested Mr. Hanlon speak to the residents with the involved property.

Mr. Glidden expressed interest in seeing an engineered plan before the Commission grants approval. The Commission discussed unknown information about storm basins and related drainage as well as where the flow ends up from some of the catch basins on Linden Street. Mr. Hanlon said World Tech Engineering is working for the Town doing civil engineering for the street work and Town officials have discussed doing a change order with them to do the culvert design. He added that he wants to take advantage of the water distribution project that is occurring in the area in conjunction with the culvert project.

Mr. Hanlon mentioned that the NEMCD had done handwork in the Howard to Highland area. Mr. Hankin noted that the Commission needs time to review the report from Mosquito Control. Mr. Hanlon said he would follow direction from the Commission based on the Commission's feedback to amend the contract with the engineering firm and have the engineer prepare the plans.

Discussion ensued about how the Commission could continue the public hearing and that investigation would have to be done (i.e., test pits in Linden Street) to understand what the situation is in the area for this project. Mr. Hankin explained that test pits would be exempt from Commission approval under Wetlands Protection Act and the Commission could find them exempt under their by-law as well. Mr. Hankin added that a permit is needed to do the culvert work, but a final plan cannot be developed until test pit digging is done in jurisdictional areas.

Mr. Hanlon noted that he is interim public works director and is trying to get as much work done as he can in conjunction with the water rehabilitation project in the street. He added that the worst situation would be to delay the installation of the water mains since he thinks it could take longer than a month to understand where the catch basins are, do the test pits and bring an engineering plan on the culvert replacement to the Commission. Mr. Hankin said under WPA, Mr. Hanlon has to set a firm date when he would come back for a continued hearing (i.e., June 13). This schedule gives Commission time to review the Mosquito Control report. In response to Anne Standley, Mr. Hankin said he would have the Commission agenda dealing with this continued hearing on June 13 and said she could call him to understand if the hearing had been continued to a later date than Thursday, June 13. Mr. Glidden moved to continue the public hearing. George Tarr seconded the motion.

Discussion ensued about NEMCD report and machine clearing of sediment. In response to Ms. Standley, Mr. Hanlon suggested that a mini-excavator would be used to prevent the least amount of damage.

Mr. Hankin summarized that Mr. Hanlon had filed an NOI for the culvert work. Separate from that is the NEMCD work that is exempt for activities within their jurisdiction to handle a mosquito problem. He added that effort will be made to make the two projects work concurrently as possible and he noted that the Commission had just received the report from Mosquito Control that the members need to review and discuss on June 13. Discussion addressed how the Commission does not have any jurisdiction relative to the Town's water system project. The Commission voted unanimously in favor of the motion.

### **Emergency Certification to repair a failing gabion wall along Woodbury Street**

Mr. Hankin described how the pedestrian pathway along Woodbury Street has a gabion wall that was authorized by DEP about 10 years ago. He had been notified by Mr. Hanlon that the gabion wall was failing and is hazardous to pedestrians and equestrians. Mr. Hankin provided the Commission with photographs showing where the wall was crumbling and eroding.

Mr. Hanlon explained that a gabion wall is stone in a basket of wire that is softer than a concrete retaining wall and provides an inexpensive control mechanism against an embankment. He pressure on the embankment from the street is pushing on the wall and to preserve the wall's integrity an additional embankment should be installed against it. Mr. Hanlon said that Mr. Hankin has agreed that this is a safety issue especially for horses traveling over the wall. He suggested this wall should be evaluated for maintenance every spring.

Mr. Hanlon said it is a liability for the Town especially if a horse was injured so the DPW has cordoned off the wall for now. Mr. Hankin said the DEP has been notified of the situation.

Mr. Glidden moved to ratify the Emergency Certification for Woodbury Street. Bob Cronin seconded the motion. The Commission voted unanimously in favor of the motion.

### **Request for Determination**

167 Sagamore Street  
Martin Miserandino

Mr. Martin Miserandino described how his property on 167 Sagamore Street has a broken down cinder block barn structure. He noted that the barn structure is dilapidated and his family wants permission to demolish it including the concrete slab and to re-grade the area. Mr. Martin said if the family wanted to rebuild there later they wanted it known that a structure had existed there. Discussion ensued about how this could be a Zoning of Appeals issue rather than Conservation Commission. The Commission viewed photographs of the concrete and wood structure that has a propane tank behind it.

Mr. Hankin mentioned that the structure is 60' to 65' from a stream that feeds a pond and the area is flat. He suggested that a line of hay bales or filter sock could be located on the limit of work that would occur on the upland side but said that may not be necessary. Mr. Hankin explained that Mr. Martin Miserandino would notify him between two weeks and two days of when the work would take place and Mr. Hankin will meet with the person who will do work on site.

Mr. Glidden moved to issue a Negative Determination. Mr. Cronin seconded the motion. The Commission voted unanimously in favor of the motion.

**Certificate of Compliance**

40 Orchard Street

Mr. Hankin described how a septic system was approved by the Hamilton Conservation Commission in 2003 but no wetlands Certificate of Compliance (COC) had ever been issued for it. The Board of Health has issued their COC. Mr. Hankin said the property has been sold and the Commission received the \$50 fee for a request to issue a late COC. Mr. Hankin took photographs of the site. The closing is next Monday.

Mr. Glidden moved to issue a Certificate of Compliance. Mr. Tarr seconded the motion. The Commission voted unanimously in favor of the motion.

**Acceptance of the April 24, 2013 minutes**

Mr. Glidden moved to accept the Commission's April 24, 2013 minutes. Mr. Tarr seconded the motion. The Commission voted unanimously in favor of the motion.

**New Business**

Mr. Hankin explained that the search for a full time DPW director has been narrowed down to five candidates. Mr. Hanlon has worked as interim public works director for the last two months.

Discussion ensued about Mosquito Control report and proposed dredging of stream downstream of the Highland Street culvert where there is sediment back-up. Mr. Hankin said Mosquito Control would manage this project. Discussion addressed proposed culvert work at Howard and Linden Streets and whether or not increased flow of water could possibly flood basements of houses in area more than is occurring now.

Mr. Glidden moved to adjourn. Mr. Cronin seconded the motion. There was no discussion. The Commission voted unanimously in favor of the motion. Commission adjourned at 8:36 pm.

Minutes submitted May 16, 2013 by Jane Dooley