

**Hamilton Conservation Commission
Minutes of Meeting of May 9, 2012
Meeting held at Hamilton Town Hall**

Commissioners present:

Stacy Carpenter, Virginia Cookson (8:55), Robert Cronin, Peter Dana, Keith Glidden, Richard Luongo (chair), George Tarr

Staff present:

Jim Hankin, Conservation Coordinator

Others present for a portion of the meeting included:

Dana & Barbara Marcocelle of 182 Lake Drive
Linda & Josh Shaktman of Lake Drive
Sheila Laing of 1 Beech Street
Nancy Baker, Open Space Committee
Zach Peters, Open Space Committee
Jackie Hodge, Open Space Committee
Robert Griffin, consultant
Jeffrey Allsopp, consultant
Michael DeRosa, consultant
Chuck Johnson, consultant

The Commission is scheduled to meet next at 7:30 p.m. on May 23 2012 at Hamilton Town Hall. Site walk is scheduled for Sat. June 9.

Richard Luongo opened the meeting at 7:34 p.m. Conservation Coordinator Jim Hankin noted that prior to this meeting Commissioners received copies of two letters from the Open Space Committee (a 4-page memo dated May 3, 2012 regarding the Patton property at 65 Asbury St., and a 2-page memo dated May 4, 2012 regarding a Town Meeting warrant article proposing sale of a Town-owned parcel abutting Pleasant Pond); and a revised narrative and revised site plan for the NOI for 122 Gregory Island Rd.

Discussion

Open Space Committee

Members of the Open Space Committee (OSC) briefed the Commission on a well field located at 65 Asbury St. and reported that during ongoing study and discussion of the owner's offer to donate that land to the Town, the Board of Selectmen expressed an intention to possibly abandon that well. Nancy Baker said some land uses being contemplated for the parcel would be incompatible with continued use of the well if they were to be located within the protected 400' radius around it. She noted that site plans in the report issued by the committee that studied the proposed gift do not show the floodplain or other environmental zones. Zach Peters detailed the difference between registered and permitted public wells and stated that if the Town abandons the well it is likely it would lose forever its water rights within the Ipswich River basin. Commissioners and OSC members discussed access to the river, municipal jurisdiction over water quality and water source matters, the current and past use and pumping capacity of the well, the potential impact on wetlands of abandonment of the well, and other issues.

Ms. Baker suggested the Commission take an official position on the proposed gift, as outlined in the Osco's May 3 memo to the Commission, for the purpose of protecting the well and open space. Commissioners decided not to take a position so that they would be able to consider future filings impartially, if the Town accepts the gift and proposes uses that would require Notices of Intent.

OSC members also asked the Commission to take a position opposing the sale of a Town-owned parcel on Pleasant Pond that includes trails and provides pond access to residents of the Lake Drive neighborhood, as expressed in its May 4 memo to the Commission.

Peter Dana made a motion for the Commission to adopt the Open Space Committee's letter concerning Lake Drive as the Commission's position, to support retention of that land. Robert Cronin seconded the motion. VOTE: Unanimous.

Notice of Intent (Public Hearing continued from April 25, 2012)

182 Lake Drive

Adriano Taugino, applicant; Robert Griffin, representative

Renovate and expand existing single-family dwelling; mitigation proposed within no-disturb zone

Mr. Luongo reopened the public hearing. Peter Dana recused himself from this matter because he has a business relationship with the applicant.

The owner's wetland consultant Robert Griffin displayed and distributed copies of a revised site plan and pointed out changes that were made following the Commission's site visit. The following features of the original proposal have been eliminated: an addition at the back of the house; a second story above the existing front of the house; relocation of the septic tank; a basement entrance at the east side of the structure; and a patio. He noted that given the reduced amount of work proposed near and in wetlands, the size of the mitigation planting area has been reduced from 250 to 150 square feet. He said the owner is willing to remove some hemlocks infested with wooly adelgids, as commissioners suggested onsite.

Commissioners discussed the walls topped with fences that the owner wishes to construct or extend. Mr. Griffin agreed to leave a 1' gap below the fence at the back property line to allow wildlife to pass beneath it, specifically snapping turtles that the abutters said cross the property regularly.

Mr. Luongo invited public comment. Abutters Barbara and Dana Marcorelle and their neighbors Josh and Linda Shaktman expressed concern that the proposed work might direct water onto the Marcorelles' property and exacerbate drainage issues. They suggested storm water control features of the proposed work be revised to direct water across the street from 182 Lake Dr., instead of downgrade toward the Marcorelles' yard. They discussed the impact of construction of new homes nearby in recent years; the state of disrepair of municipal culverts that previously drained the side of the road on which 182 and the Marcorelles' property are located; and past assurances that other proposed work would have no detrimental effect on their parcels.

Mr. Griffin responded that the applicant has no authority to work on drainage systems under the street or pipe water onto property across the road that is owned by the Massachusetts Audubon Society. He said the proposed gutter design would channel roof run-off to wetlands at the back of

the parcel, which he said would reduce run-off toward the Marcocelles'. He said if area residents want repairs made to the existing culverts under the road they should petition the Town.

The Marcocelles noted that in an effort to improve drainage on the slope from #182 to their property, Mr. Marcocelle built a stone wall on their side of the property line with a pipe below it set in 10 tons of stone.

Mr. Luongo commented on the increased groundwater levels throughout the Town, the impact of residents throwing trash and organic matter into wetlands, and the impact of beaver activity. He said the Commission cannot do anything about water levels.

Commissioners and Mr. Griffin discussed options for water discharge and infiltration.

Keith Glidden made a motion to close the public hearing. Stacy Carpenter seconded the motion. VOTE: Unanimous.

Mr. Glidden made a motion for the Commission to grant an Order of Conditions with the special conditions that the fence at the rear of the property in the no-disturb zone is to have a 1' space below it to allow for migrating wildlife, and that the Conservation Coordinator will conduct a pre-construction site inspection to inspect and discuss the extent of disease on trees and make a recommendation about tree removal. Ms. Carpenter seconded the motion. VOTE: Unanimous (5-0-0; Mr. Dana recused; V. Cookson not yet present at the meeting).

Notice of Intent (Public Hearing continued from April 25, 2012)

122 Gregory Island Road

Jeffery Allsopp, applicant

Demolish and re-construct a dwelling with associated site work

Richard Luongo reopened the public hearing. Jeffrey Allsopp displayed a revised site plan and reviewed changes made after consultation with commissioners during a site visit two days before this meeting. A dock and roadside shed have been added to the proposal.

Commissioners discussed details with Mr. Allsopp, who noted that the structural footprint within the no-build zone within 50' of wetlands would increase from 883 square feet to 1164, but the footprint within the no-disturb zone within 25' of wetlands would decline significantly. He said no work would take place within the flood zone.

Stacy Carpenter noted the site plan bore no engineering stamps. Mr. Allsopp said the drawings were based on an official survey plan. Conservation Coordinator Jim Hankin said the Commission has occasionally issued Orders of Conditions for plans without engineering stamps but more frequently does so for Requests for Determinations that include such plans. Ms. Carpenter said she had a favorable opinion of the proposed project but would vote against granting an OOC because of the absence of official engineering stamps.

Mr. Hankin noted that the Commission's policy requires submission of supplementary materials at least 7 days prior to a public hearing, but the Commission has the option of waiving that requirement. Commissioners decided by general consent to waive that requirement in this case.

Mr. Hankin noted also that the Town building department has confirmed that the proposal meets setback regulations.

Peter Dana made a motion to close the public hearing. Virginia Cookson seconded the motion. VOTE: Unanimous (7-0-0).

Keith Glidden made a motion for the Commission to grant an Order of Conditions with the finding that the increase of the buildings in the no-build zone is not more detrimental to the wetlands and the project as a whole improves the condition and the amount of space in the NBZ. George Tarr seconded the motion. The motion passed 6-1-0. (Ms. Carpenter voted no because the site plans did not carry an engineering stamp.)

Notice of Intent

1 Beech Street

Sheila Laing, applicant; Michael DeRosa, representative

Re-construct dwelling destroyed by Dec. 2011 fire

Richard Luongo opened the public hearing. Robert Cronin recused himself because he is an abutter.

The owner's wetland consultant Michael DeRosa described the proposed project and displayed site plans of the parcel alongside Chebacco Lake. Sheila Laing requests permits to rebuild her house, which burned down in late 2011. The new structure would occupy the same footprint; a roof would be added above an open porch that would replace one of identical dimensions, and a stair at the back of the house that was previously covered would be open. No gutters are planned. A proposed 300-square-foot walkway would be constructed of dry-laid pavers.

Mr. DeRosa proposed planting native shrubs and herbaceous species between the house and the lake, and aquatic species in the water just offshore, to mitigate for work in the buffer zone. The owner also is willing to have goutweed excavated from an area under birch trees a short distance from the house, and plant additional native species there

Commissioners and Mr. DeRosa briefly discussed whether the project should move forward prior to receiving comments from the state Department of Environmental Protection. Ms. Cookson favored continuance of this matter pending DEP comments.

Conservation Coordinator Jim Hankin noted that the proposed mitigation planting is proposed for Town-owned land, on the "reservation" adjacent to Ms. Laing's parcel, and on a thin strip of land between her parcel and the lake. Those present agreed the applicant should obtain Town consent prior to work commencing in those areas.

Peter Dana made a motion for the Commission to close the public hearing. George Tarr seconded the motion. VOTE: 6-1-0 (Virginia Cookson voted not to close the public hearing).

Mr. Dana made a motion for the Commission to grant an Order of Conditions with the special conditions that the Town's consent be obtained for work in the "reservation," and receipt by the Commission office of a narrative detailing the planned removal of goutweed and of stamped plans bearing a small revision to correctly label the 25' line. Mr. Tarr seconded the motion. VOTE: 5-1-0 (Ms. Cookson voted no).

Request for Determination

69 Postgate Road

Lula B. Shirn, applicant; Chuck Johnson, representative

Install Title V compliant septic system; all work 80' or more from edge of wetlands; existing cesspool to be pumped and filled

Chuck Johnson displayed engineering drawings and described the proposed installation of a septic system at 69 Postgate Rd., which is now served by a cesspool installed in the 1950s. There are wetlands at the back of the property. The proposed septic system would be installed in the front yard, and the house lies between the proposed work area and the wetlands and would serve as a barrier during construction. There would be no permanent alteration of ground surface elevation. The only work that would take place behind the house is the pumping and filling of the existing cesspool. The Town health agent has approved the septic design.

Keith Glidden made a motion for the Commission to grant a negative determination under the Wetland Protection Act and the Hamilton Conservation By-Law. Robert Cronin seconded the motion. The motion passed unanimously.

Robert Cronin made a motion for the Commission to accept the minutes of the meeting of March 28, 2012 as presented. Keith Glidden seconded the motion. The motion passed 6-0-1. (A member who was not present at that meeting abstained.)

Mr. Glidden made a motion for the Commission to accept the minutes of the meeting of April 25, 2012 as presented. Mr. Cronin seconded the motion. The motion passed unanimously.

Stacy Carpenter, who serves on the committee evaluating the offer of the donation of the Patton property on Asbury St. to the Town, commented further on the earlier discussion of open space and water use issues related to that property. She said resource areas were not delineated during that committee's study; its work focused on feasibility studies regarding possible uses. She said the impact of taking the well there offline was estimated to be low.

Commissioners also briefly discussed a Town Meeting warrant item about whether to construct a sidewalk along Essex St.

Mr. Cronin made a motion for the Commission to adjourn at 9:50 p.m. Mr. Glidden seconded the motion. VOTE: Unanimous.

Minutes submitted May 14, 2012 by Ann Sierks Smith