

**Hamilton Conservation Commission  
Minutes of Meeting of June 22, 2011  
Meeting held at Hamilton Town Hall**

Commissioners present:

Nancy Baker, Virginia Cookson (7:55 p.m.), Robert Cronin, Keith Glidden, Richard Luongo (co-chair)

Staff present:

Jim Hankin, Conservation Coordinator

Others present for all or a portion of the meeting:

Libby Wallis, consultant  
John Hamilton, attorney  
Frank Tavares, attorney  
Mark Kuzminskas of 408 Bridge St.  
Beth Ganister of 122 Woodbury St.

The Commission is scheduled to meet at 7:30 p.m. on July 13 and July 26, 2011. Site walks are scheduled for Saturday morning July 9.

---

Richard Luongo opened the meeting at 7:30 p.m.

Conservation Coordinator Jim Hankin noted that prior to this meeting, commissioners received copies of the following documents related to items on the agenda for this meeting: a letter about the proposed development of the Canter Brook property on Highland St., from a group of area residents; a response to the residents' letter about Canter Brook, from the developer's engineering firm; a response from the Hamilton Planning Coordinator, which included supporting documents; and an updated version of the Commission's draft schedule of fees.

Robert Cronin made a motion for the Commission to approve the minutes of the meeting of May 25, 2011 as presented. Keith Glidden seconded the motion. VOTE: Unanimous.

Mr. Cronin made a motion for the Commission to approve the minutes of the meeting of June 8, 2011 as presented. Nancy Baker seconded the motion. VOTE: Unanimous.

---

Request for Determination

354 Highland Street (Canter Brook Farm)

Matthew Power, applicant; Prime Engineering, representative

Test pits for soil characteristics within jurisdiction, pursuant to Planning Board requirements

Conservation Coordinator Jim Hankin displayed a site plan showing the wetland line at 354 Highland St. as flagged in early 2011, and pointed out the locations of proposed test pits the owner wishes to dig to determine soil characteristics and groundwater levels, because of neighbors' request for more precise information than the owner's original documentation contained. He said some test pit locations are clearly outside the Commission's jurisdictional area, but 8 or 10 lie just within 100' of wetlands. Contractors already dug some pits in areas clearly not near wetlands; one hit water 5' below grade, and others found no water at a depth of 10'. He said a backhoe is being used to excavate the test pits, each of which is about 3' X 10-12' and up to 10'

deep; digging stops short of 10' if the contractor hits water. Each pit disturbs about 36 to 40 feet square feet at grade. The applicant proposes to have the Town Health Agent checks the pits the day they are excavated, and then backfill the pits on the same day.

Nancy Baker said that a storm water infiltration system requires at least two test pits within the area of each basin.

The applicant's attorney Frank Tavares said four engineers would receive reports on the data gathered: the applicant's engineering firm, an engineer hired by a group of neighbors, another engineer hired separately by a particular neighbor, and the Planning Board's engineer. He said that the test pits dug so far indicate soil conditions are better than the applicant's original proposal assumed. He said rain gardens would be constructed to provide some of the planned drainage. He was not conversant with the details of rain gardens, but Ms. Baker explained them later in the meeting as landscape-like areas layered with soils, sand, compost, and sometimes mulch, designed to filter specific volumes of stormwater to improve water quality.

Mr. Tavares said that when the stables that now occupy the site were expanded from 30 stalls to 75 in the mid-1980s, soils were shifted around the property, so abutters are concerned that government maps may not be accurate regarding native soils beneath some areas of the parcel. He said as much as 90% of the paddock area at the back of the property is bare dirt and mud, but that after the test pits are dug, the entire area would be revegetated.

John Hamilton, an attorney hired by a group of residents of nearby Gale Ave., Bradford Rd., and Sharon Rd., requested that the reports on the test pits indicate the elevation of seasonal high water. He also said the neighbors consider it appropriate for the developer to obtain all required permits from other Town departments before filing a Notice of Intent with this Commission. Mr. Tavares said the landowner plans to do both, and that the project engineer is a state-licensed soil evaluator.

Ms. Baker made a motion for the Commission to grant a negative determination under the Wetland Protection Act and the Hamilton Conservation By Law, based on the facts that test pits are to be open for the minimal amount of time needed to complete the work, soil is to be stockpiled as far from wetlands as possible, and disturbed areas are to be seeded. Keith Glidden seconded the motion. VOTE: Unanimous.

Mr. Hankin said he would be out of the office for several days but would issue the official determination on June 28.

---

Request for Determination

122 Woodbury Street  
Beth Ganister, applicant  
Construct 2-car garage and storage area

Beth Ganister showed commissioners a site plan and pointed out where she wants to replace an existing shed with a 2-car garage off a back corner of her house at 122 Woodbury St. Conservation Coordinator Jim Hankin passed around photos of the site that he took the day before this meeting, showing the side of the parcel that abuts wetlands and a stream that flows through a culvert beneath Woodbury St.

Virginia Cookson arrived during this presentation.

An existing gravel driveway leads to the existing freestanding shed off the back corner of the house closest to the stream. The owners want to build a two-car garage in the location of the shed; the garage would be attached to the house. Ms. Ganister said the precise location of the new structure is not finalized, but that it would come no closer to wetlands than does the existing shed, and might be constructed several feet farther away from wetlands than the existing footprint. At commissioners' request, she sketched on the plan an "envelope" showing the limits of the area within which the garage would be located, and also sketched the location of an erosion control barrier line along an existing split rail fence. Mr. Hankin said the ground is flat enough on both sides of that fence to accommodate hay bales.

Robert Cronin made a motion for the Commission to grant a negative determination. Ms. Cookson seconded the motion. VOTE: Unanimous.

Commissioners signed the determination.

---

#### Enforcement Order

408 Bridge Street

Mark Kuzminskas, landowner; Libby Wallis, representative

Evaluate monitoring report and current conditions on site

Conservation Coordinator Jim Hankin and commissioners who inspected 408 Bridge St. four days before this meeting said what they observed there agrees with the landowner's wetland consultant's report that more facultative wetland plants have taken hold in the restoration area than was the case when the last monitoring report was submitted. Consultant Libby Wallis estimated that about 10 to 15% of the plants are loosestrife, but said it is hard to tell because in June, loosestrife plants are small, and may be hidden below other vegetation. She said when the area was first stabilized after unauthorized cutting took place around a pond, an upland seed mix was spread to stabilize the bare ground, and it took a while for wetland plants installed later to crowd out the upland plants. In answer to Richard Luongo's question about why percentages in the report (which list the percent of total vegetation that various species account for) total more than 100%, Ms. Wallis explained that because the monitoring is done from overhead, and some plants have stems overlapping, the total aerial view spread is reported; to come up with figures that total 100% would require examination of root systems. Virginia Cookson said it appears that owner Mark Kuzminskas did all that the Commission asked him to.

Robert Cronin made a motion for the Commission to lift the Enforcement Order. Keith Glidden seconded the motion. VOTE: Unanimous.

Mr. Hankin told Mr. Kuzminskas he would send him a letter lifting the order, and send copies also to Ms. Wallis and to the state Department of Environmental Protection.

---

#### Discussion

Mr. Hankin reported that since the last Commission meeting, he left phone messages for Mark Carleo asking whether he wishes to continue as an associate member of the Commission, but no response has reached the Commission office.

Commissioners again discussed the draft schedule of fees, which Mr. Hankin updated for this meeting. Nancy Baker mentioned that pending state legislation might increase state fines for environmental violations, and asked whether the Commission might wish to reconsider the proposed fines of \$500 to \$1,000 for violations that result in the Commission issuing an Enforcement Order. Commissioners discussed specifics of the proposed fee changes, and the possible trade-off between the deterrent effect of fining violators, and landowners' cooperation in properly restoring disturbed areas. They also discussed whether some proposed fees would, in essence, be fines.

Mr. Hankin said Peter Dana wishes to step down as the Commission's representative to the Community Preservation Committee, after serving for two terms. Commissioners decided to wait until the full Commission is present to choose a new CPC representative.

This was Ms. Baker's last meeting before leaving office; other Commissioners thanked her for her service.

Robert Cronin made a motion for the Commission to adjourn at 8:40 p.m. Virginia Cookson seconded the motion. VOTE: Unanimous.

Minutes submitted July 14, 2011 by Ann Sierks Smith