

**Hamilton Conservation Commission  
Minutes of Meeting of June 8, 2011  
Meeting held at Hamilton Town Hall**

Commissioners present:

Nancy Baker, Virginia Cookson (7:40 p.m.), Robert Cronin, Peter Dana (7:35 p.m.),  
Keith Glidden, Richard Luongo (co-chair), George Tarr

Staff present:

Jim Hankin, Conservation Coordinator

Others present for all or a portion of the meeting:

Mary Rimmer, consultant  
Chuck Johnson, consultant  
Kyle Fair, consultant  
Jock Burns, Pingree School  
Tim Ingraham, Gordon-Conwell Theological Seminary  
Eliot Fay, Gordon-Conwell Theological Seminary

The Commission is scheduled to meet at 7:30 p.m. on June 22, July 13, and July 26, 2011. Site walks are scheduled for Saturday morning July 9.

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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 May 16 letter and accompanying diagram from the consultant for Amtrak regarding a Request for Determination regarding the railroad right of way; copies of state regulations relevant to Amtrak's filing; and the draft proposal of Commission fees that was prepared for the Commission's previous meeting.

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Request for Determination

258 Moulton Street

Matthew Power, applicant; C.G. Johnson Engineering, representative

Install Title V compliant septic system

The applicant's septic engineer Chuck Johnson described the property at 258 Moulton St. and the bottomless sand filter septic design proposed for that property, to replace an existing cesspool and four leaching trenches that run between the house and a stream, along the north property line. He pointed out wetland features on site plans of the 1.2 acre property and noted that nearly the entire parcel lies within Commission jurisdiction, because of an intermittent stream and extensive wetlands, including a conservancy district. He said the only areas that could accommodate a septic system are a lawn near the house (at the northeast corner of the parcel, set far back from the road), and an open field near the road; the owner prefers to place it near the house. Construction vehicles would enter via the existing driveway, which runs near the east property line.

Peter Dana joined the meeting at 7:35 p.m.

The proposed septic system is of a design not yet used in Hamilton, but one is soon to be built under the municipal parking lot near Acord Food Pantry, Mr. Johnson said. He reported designing

13 such systems since 2005. He said that for some years such systems required a state waiver, but the state has now approved the technology, so such systems now simply require local board of health approval. This type of system works as follows: A conventional building sewer pipe leads from the house to a specialized 2,000 gallon septic tank with two compartments, the second of which contains a pump and a 12" diameter filter, with cubes of open cell foam. Every 15 minutes, a time dose pump sprays three gallons of effluent through a nozzle over the top of the cubes, and the effluent trickles through the foam blocks, which filter the effluent. A demand pump then pumps fluid back up through a pipe that splits, depositing half of the pumped effluent back into the tank, and half into the sand filter, a box of interlocking concrete blocks extending above grade. At the Moulton St. site, 17" of fill would be removed, and 3" of sand would be rototilled into the base material; more sand would go on top, and 9" of pea gravel would cover the sand filter. It would be installed on a slope, so the elevation of the above-ground portion would range from 1' to 4' above existing grade. Vertical separation above groundwater would be 4', and the project would come within 58' of wetlands. The sand filter structure would be 7.5' X 23', or 174 square feet, which he noted would disturb substantially less of the parcel than would a conventional leaching field. Mr. Johnson distributed copies of an article about this type of system from a trade magazine, which contained photos showing several steps in the construction process.

Virginia Cookson joined the meeting at 7:40 p.m.

Conservation Coordinator Jim Hankin showed commissioners photos he took of the wetlands and proposed work area when he inspected the property. He described the proposed work area as gently sloping lawn.

Peter Dana asked for maintenance details. Mr. Johnson said that at the time of construction, the owner must enter into a prepaid maintenance contract for a minimum of two years, with the understanding that regular maintenance is required for the life of the system. An inspection port would be installed in the sand filter at the time of construction. The licensed wastewater operator who would maintain the system would check it twice a year to take effluent samples for lab analysis, and to check that the pumps and sand are functioning properly, and would submit reports to the Board of Health. He said he is unaware of any need for replacement of the foam cubes. At large developments that have such systems, such as The Maples in Wenham and North Shore Technical School, equipment is installed that sends a message via telephone to alert the operator if a pump fails; telemetry of this type is not typical for a single-family residential system. Should power fail, the tank would accommodate one day's typical septic flow, after which the system might back up.

Keith Glidden asked whether other towns have amended by-laws to ensure they could enforce maintenance requirements. Mr. Johnson said state regulations stipulate many requirements, and include a deed restriction.

Mr. Johnson was scheduled to meet with the Board of Health to seek approval of the septic design; that board's meeting was concurrent with the Commission meeting, in the same building. The Commission tabled discussion of this filing while Mr. Johnson left the room and met with the Board of Health. He returned to this meeting at 8:40 p.m. and reported that the Board of Health unanimously approved the septic design.

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

Abbreviated Notice of Resource Area Delineation

537 Highland Street (Pingree School)

Pingree School, applicant; Rimmer Environmental Consulting, representative

Mary Rimmer, Pingree School's environmental consultant, pointed out on a site plan the wetland areas she delineated in May in an area of the Pingree campus near a site where construction is contemplated. Commissioners inspected the site in the week prior to this meeting. Black Brook runs at the south edge of the area in question, and bordering vegetated wetlands and a wet meadow lie to the north of the brook. She asked the Commission to approve the delineation.

Nancy Baker and Conservation Coordinator Jim Hankin said their site inspection established that Ms. Rimmer's delineation appears reasonable.

Mr. Hankin pointed out that before the discussion began, the Commission should have officially opened a public hearing. Richard Luongo asked those present to consent to regarding all material and verbal interchange to this point in the meeting to have taken place as if in a public hearing; there were no objections.

Ms. Baker made a motion for the Commission to close the public hearing. Keith Glidden seconded the motion. VOTE: Unanimous.

Robert Cronin made a motion for the Commission to grant an Order of Resource Area Delineation. Peter Dana seconded the motion. VOTE: Unanimous.

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Violation Notice

130 Essex Street (Gordon-Conwell Theological Seminary)

Gordon-Conwell Theological Seminary, landowner

Dump area behind Pilgrim Hall

Conservation Coordinator Jim Hankin recapped the details of this Violation Notice (VN). When on the Gordon-Conwell Theological Seminary (GCTS) campus for a site inspection regarding construction of new leaching fields, he noticed that organic materials were dumped in an area near and/or in wetlands. He issued a VN. He and three commissioners inspected the dump area on June 5.

GCTS Facilities Manager Tim Ingraham distributed photos he took of the area. Grounds manager Elliott Fay said grounds workers deposit grass clippings, leaves, and tree limbs in the area throughout the year, and the seminary has a contractor remove the material from the area every year following May graduation; if not much accumulates, GCTS occasionally waits two years before having material removed. In the past the grounds crew pulled brush to the middle of the area and burned it, but recently, all the material has been trucked away. The person who removes it composts the material and sells it to a landscaping firm.

Nancy Baker said a Notice of Intent is appropriate in this case. She noted that the area, a peninsula into wetlands, drains toward the road, and there is no evidence of erosion into wetlands. Mr. Hankin explained the NOI process to the GCTS representatives and noted that they could apply to continue to use the area to stockpile organic materials, and the Commission could set

conditions so that this use would not have a negative impact on wetlands. He said the first step would be to delineate the wetlands and prepare a site plan.

Commissioners and Mr. Fay and Mr. Ingraham discussed whether the finger of land into the wetlands is natural, or the result of filling or grading; this was inconclusive. Mr. Ingraham said it was present and in its current use when he began working at GCTS in 1995.

Keith Glidden asked whether the area is used for snow storage; Mr. Fay said it is not. Mr. Glidden suggested the Commission lift the cease and desist order that is part of the VN, for removal of material only, so the material now in the area could be taken off-site. Mr. Ingraham said the grounds crew is currently placing grass clippings on a lawn area elsewhere on campus.

Mr. Glidden made a motion for the Commission to amend the Violation Notice to lift the cease and desist order, for removal only; to require delineation of wetlands by a date to be determined by the Conservation Coordinator; and to direct the landowner to submit a management plan. George Tarr seconded the motion. VOTE: Unanimous.

Mr. Hankin briefly discussed with the GCTS representatives possible dates for submitting documents in order for the Commission to consider this matter at a future meeting, and said he would work out those details with them and agree on a date.

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#### Request for Determination

Mass. Bay Commuter Railroad (MBCR) Right of Way

TEC Associates, representative

Vegetation Management Plan

Kyle Fair of TEC Associates described the routine spraying of herbicide that the Mass. Bay Commuter Railroad (MBCR) wishes to perform in early July along railroad tracks through Hamilton, to keep vegetation from interfering with rail traffic. He said national regulations require railroads to prevent any contact between vegetation and trains. Branches overhead are cut, but herbicide is used along the track bed and sloping portion of the adjacent ballast, because no equipment has been developed that can cut effectively below the rails. He said some brush outside that area is sprayed, where posts and other equipment are positioned off the track bed. Herbicide would be sprayed from a vehicle that travels along the railroad tracks, in a 20' swath centered on the track. The MBCR proposes to use Razor, which is similar to Round-up, in a concentration that would produce brownout of vegetation within 7 to 10 days of application.

He distributed a map showing environmentally sensitive areas through which railroad tracks pass in Hamilton. In two small zones shown in yellow on the map, near Cutler Road and near the Ipswich-Hamilton town line, sensitive areas are within 10' of the track. Several longer areas shown in blue on the map have sensitive resource areas within 100' of the track; these lie north of Meyer Rd., across Cutler Pond, and close to the Ipswich town line. He said near resource areas, herbicide would be sprayed only once in a 12-month period, with no touch-ups, and only chemicals approved by the state Department of Environmental Protection would be used. He noted that the railroad submits an operational plan yearly, which the Commission receives, and that the 45-day comment period for this year's operational plan is now open.

Virginia Cookson obtained Mr. Fair's assurance that in 5 years time, when MBCR files for this again, that HCC members will have a chance to ride the rail line they have in the past.

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

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Request for Extension under By Law

920 Highland Street

Pool, spa and landscaping project, DEP file #172-0534 recorded June 28, 2010, Book 29559 page 183; request to have local permit run concurrently with Order of Conditions (OOC expiration date 6/1/2013)

Conservation Coordinator Jim Hankin recapped the details of this request for an extension of a previously issued permit. The applicants applied for and received an Order of Conditions (OOC) and local By Law permit in June, 2010 but have not started the project; they request extension of the local permit until June 1, 2013, so it would be in effect for the same period as the state OOC, which is to expire on that date. Mr. Hankin said it is the Commission's practice to approve requests for extensions for one year, so long as the state OOC is valid during that period of time, and the project is in compliance.

Robert Cronin made a motion for the Commission to extend the By Law permit as requested. Virginia Cookson seconded the motion.

Commissioners discussed whether to extend the permit for one year or two. Nancy Baker noted that the landowners previously had another Order of Conditions for the same work, but never moved forward with the project. Peter Dana commented that conditions on the parcel could change; he recommended extending the permit for just one year for that reason.

Mr. Dana made a motion for the Commission to amend the previous motion, and extend the By Law Permit by one year, rather than the two years requested by the applicant. Ms. Cookson seconded the motion. VOTE: Unanimous.

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Commissioners deferred approval of the minutes of their May 25 meeting to a future meeting.

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Discussion

After brief discussion of proposed changes in and additions to the Commission schedule of fees, commissioners asked Mr. Hankin to make two changes to the draft schedule of fees, for further discussion at a future meeting.

Commissioners asked Mr. Hankin to try again to contact Mark Carleo to ask whether he wants to remain an associate member of the Commission.

Mr. Hankin told Commissioners that Mark Kuzminskas, whose property the Commission is to inspect as one of the final steps in resolving an Enforcement Order, is unavailable on the date of the July site walks, and has asked whether the site inspection could instead take place on Sat. June 18. Commissioners informally agreed that some of them would join Mr. Hankin for a site inspection at 408 Bridge St. on that date.

Mr. Hankin said the Violation Notice regarding the Kuzminskas property, plus two recent filings, are on the agenda for the meeting of June 22.

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#### Election of Officers

Peter Dana made a motion for the Commission to elect Virginia Cookson as the Commission's representative on the Chebacco Woods Land Management Committee. Keith Glidden seconded the motion. VOTE: Unanimous.

Robert Cronin made a motion for the Commission to re-elect Richard Luongo as co-chair of the Commission. Virginia Cookson seconded the motion. VOTE: Unanimous.

No commissioners expressed interest in serving as the other co-chair. Commissioners agreed to address this again at a future meeting.

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Robert Cronin made a motion for the Commission to adjourn at 9:25 p.m. Keith Glidden seconded the motion. VOTE: Unanimous.

Minutes submitted June 9, 2011 by Ann Sierks Smith