

Hamilton Conservation Commission
Minutes of Meeting of July 13, 2011
Meeting held at Hamilton Council on Aging Building, 299 Bay Rd.

Commissioners present:

Virginia Cookson (7:38 p.m.), Robert Cronin, Peter Dana (7:36 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
Jacob Murray, consultant
John Tomasz, Hamilton Superintendent of Public Works
Anna Standley, 240 Linden St.
Dick Flynn, 183 Linden St.

The Commission is scheduled to meet at 7:30 p.m. on July 27 and Aug. 17, 2011 at Hamilton Town Hall. Site walks are scheduled for Saturday morning Aug. 13.

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: two memos from Hamilton Department of Public Works Superintendent John Tomasz regarding planned stream clearing and related work in the area around Howard and Linden Street area, and an updated draft schedule of Commission fees.

Notice of Intent

130 Essex Street (Gordon-Conwell Theological Seminary / GCTS)
GCTS, applicant; Waterfield Design Group, representative
Stockpiling and composting area revised, in response to HCC Violation Notice

Jacob Murray of Waterfield Design Group, the wetland consultant to Gordon-Conwell Theological Seminary (GCTS), described changes the seminary proposes to its existing composting/stockpiling area, following the Commission's issuance of a Violation Notice for the unauthorized use of an area near wetlands for that purpose. He displayed a site plan and referred to a half-page management plan, GCTS had the wetlands flagged and proposes replacing the existing fence around the stockpiling area with a new one that would be relocated in several spots where the existing fence comes within 25' of wetlands, so that the fenced area would be completely out of the no-disturb zone. The fence would stop 5" above ground level to provide wildlife access. Like the existing fence, it would include a gate.

Mr. Murray said material has been removed since the VN was issued, as authorized by the Commission, and it included solids and a vehicle. GCTS agrees to place only organic material in the area going forward. Controlled burning would take place within the fenced area periodically, per Town guidelines, and material would be removed and trucked off-site once a year.

Keith Glidden asked what vehicles access the area; Mr. Murray said dump trucks and backhoes transport landscaping debris, and for periodic removal of composted and stockpiled material, a bucket loader is used, which operates effectively from the ground without a concrete push pad.

Richard Luongo suggested the seminary post a sign at the gate stating that the area is for organic trash only.

Conservation Coordinator Jim Hankin said the state Department of Environmental Protection has not yet posted comments about this NOI.

Peter Dana and Virginia Cookson joined the meeting during this discussion.

Mr. Luongo invited public comment. A resident of Woodbury St. asked about the location, which Mr. Murray pointed out on a campus map; the resident determined the area is not near her home.

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

Mr. Cronin made a motion for the Commission to close the public hearing. Ms. Cookson seconded the motion. Mr. Glidden proposed the condition that a sign be posted at the gate stating that only organic material can be place in the fenced area. VOTE: Unanimous.

Request to Amend Order of Conditions and Permit
and

Request to Allow Use of Machinery Under Order of Conditions and Permit
Linden and Howard Streets

Hamilton Department of Public Works, applicant

Request for addition to existing Order of Conditions and permit, to authorize clearing of debris from approximately 300 feet of retention area in stream bed, upgrade from culvert; and request to allow use of machinery in area already permitted; DEP file #172-0522

Department of Public Works (DPW) Superintendent John Tomasz said the plan approved by the Commission for hand-clearing of a stream near Howard and Linden Streets cannot move forward because the DPW does not have time and staff to do the job itself, and contractors' bids for performing the work by hand far exceed the funds available. He noted that the HCC Order of Conditions (OOC) for the project says the Commission would consider allowing the use of machinery for clearance of the stream, if necessary; he asked commissioners to authorize this. He said the smallest model of Bobcat would be used, and that Conservation Coordinator Jim Hankin could supervise the work closely to ensure minimal disturbance of wetlands. Prior to this meeting he sent equipment specifications to the Commission office.

Mr. Tomasz also asked the Commission to allow work in a nearby area that was not mentioned in his original proposal, and to which the OOC consequently does not refer. He said a retention area is clogged, and so overgrown with reeds and grasses that it is ineffective. He asked for permission to use machinery to clear that area too, with larger equipment, at some time after the stream is cleared. Mr. Hankin noted that Mr. Tomasz posted a legal notice and notified abutters of his proposal to clear the retention area, so this discussion constitutes an amendment hearing.

A discussion followed on whether the retention area project could be folded into the OOC, or requires the DPW to file a separate Notice of Intent. Virginia Cookson said the area is significantly different from that covered by the existing OOC, but that because the work would be similar, would serve the same purpose, and is on the same waterway, she considers it appropriate to fold it into the OOC for the stream clearing. Richard Luongo and Peter Dana spoke of saving the DPW time by authorizing both projects so they could proceed together. Mr. Dana said the DPW, not an outside contractor, should do the job, so workers would have some stake in the outcome. Keith Glidden and Mr. Hankin said they would like to see the limit of work at the retention area staked before the Commission makes a decision.

Linden St. residents Anna Standley and Dick Flynn commented on the DPW project plans (including the approved clearing of a Linden St. culvert, which Mr. Tomasz said is not yet scheduled), and drainage issues in the neighborhood. Ms. Standley reiterated her recommendation, made at prior HCC meetings, that the DPW proceed with the project in the sequence recommended in the Town's 1999 feasibility study; that report recommends clearing drainage channels starting downstream at Highland St., and then working upstream toward Howard St. and Linden St. She said clearing the area closer to the water source first would cause more water to flow into her neighborhood; she predicted that with the outlet toward Highland St. still clogged, more water would accumulate on residents' property, and leak into basements.

Mr. Tomasz said the sequence he proposes might result in a little more water in that neighborhood in some years, but that it would be so slight he doubts residents would notice the difference. He said the DPW cannot start at Highland St. because it would cost \$50,000, while clearing the culvert at Linden would cost about \$20,000, and the DPW has only about \$25,000 to \$30,000 budgeted each year for such work. In answer to Richard Luongo's question, he said if money were not an issue, he would start in the Great Marsh off Highland St., and use large equipment to "bushwhack" a path from Highland to Howard.

Mr. Luongo recommended seeking federal funds. Mr. Tomasz said it is hard to get federal grants to correct sporadic problems.

Mr. Tomasz proposed clearing the already-permitted section of stream and the retention area nearby this summer, and the Linden St. culvert in the coming 2011-2012 winter, when he said the DPW would have more money available. He said the culvert under Highland St. is in good condition, but has beavers in it.

Ms. Standley read a passage from the 1999 study that maintains a single culvert under Howard St. is inadequate, notes that a second culvert exists but was not in use at the time of that study, and recommends replacement of the 24" culvert with a 36" one. Mr. Tomasz said he plans to replace it with one of the same size.

In response to George Tarr's question, Mr. Tomasz said he expects to remove 6"-8" of sediment from the retention area. Mr. Flynn said some long-time residents recall that retention area being as much as 2.5' deeper than it is now.

Ms. Cookson made a motion for the Commission to allow machinery to be used for the Linden and Howard St. stream clearing, DEP file # 172-0522, as addressed in the original Order of Conditions. Robert Cronin seconded the motion. Mr. Hankin noted the motion should limit equipment to the machinery Mr. Tomasz described. VOTE: Unanimous.

With Mr. Tomasz' consent, Ms. Cookson made a motion to continue the public hearing on clearing of the retention area to the Commission meeting scheduled for Aug. 17. Mr. Cronin seconded the motion. VOTE: Unanimous.

Notice of Intent

375 Bridge Street

John Gardner, applicant; Rimmer Associates, representative

Remove and re-construct pedestrian and equipment bridge across tributary; DEP file #544

Mary Rimmer, the landowner's wetland consultant, displayed a site plan and described the planned design of a bridge across a pond, to replace an existing bridge that is at least 40 years old and is sinking into the pond banks on which its ends rest. She said the bridge is the one point of access on the 80-acre property to a large field at the back of the property, which is separated by wetlands from the section of the property closer to Bridge St. She said the owner uses the bridge to get a small tractor across wetlands, to mow the field.

The proposed new bridge would be the same width and wood construction as the existing one, but would be about 8' longer, so it would extend 4' beyond the pond bank on both sides, and be anchored on concrete footings. Consequently, it would sit a bit higher above the water. A silt sock would be used for erosion control while excavation for footings took place. A small apron of crushed stone might be added to transition from the bridge level to grade, if necessary. Because the bridge was in place prior to 1983, it qualifies as a limited project under state environmental regulations, Ms. Rimmer said.

Richard Luongo invited public comment. A member of the public said he was present to learn whether the bridge would be expanded; he said he was satisfied that it would not be.

Virginia Cookson made a motion for the Commission to close the public hearing. Peter Dana seconded the motion. VOTE: Unanimous.

Ms. Cookson made a motion for the Commission to issue an Order of Conditions. George Tarr seconded the motion. Mr. Hankin said the OOC should note that the proposal fits under the definition of a limited project. VOTE: Unanimous.

Appointment of Representative to Community Preservation Commission

Virginia Cookson made a motion for the Commission to accept Peter Dana's declination of reappointment to the Community Preservation Commission, express appreciation for his service on that board, and appoint Keith Glidden as the Commission's representative on the CPC. George Tarr seconded the motion. VOTE: Unanimous.

Schedule Public Hearing on HCC Fees

Commissioners again discussed a proposal to revise the Commission's schedule of fees. Virginia Cookson reiterated her preference for tiered charges for some filings, so landowners with minor requests would pay lower fees.

Keith Glidden made a motion for the Commission to schedule and post public notice of a Public Hearing on proposed fees, to take place at the Commission's meeting of Aug. 17, 2011. Ms. Cookson seconded the motion. VOTE: Unanimous.

Discussion

Richard Luongo suggested that the Commission proactively pursue the goal, along with the Hamilton Department of Public Works, of clearing the entire drainage system in the Linden St./Howard St./Highland St. area. He recommended seeking outside funding. He asked Mr. Hankin to place on the agenda of the July 27 meeting a discussion of water flow and culverts, and the details of the relationship between streams in that neighborhood, and rivers.

Peter Dana suggested the Commission ask an associate member, or other "auxiliary," to research and apply for grants for the above, and also for the Miles River. He expressed concerns about the DPW's sequencing of drainage clearance projects in the Linden and Howard neighborhood.

Keith Glidden made a motion for the Commission to adjourn at 8:50 p.m. Robert Cronin seconded the motion. VOTE: Unanimous.

Minutes submitted July 14, 2011 by Ann Sierks Smith