

**Hamilton Conservation Commission
Minutes of Meeting of Aug. 17, 2011
Meeting held at Hamilton Town Hall**

Commissioners present:

Virginia Cookson (7:37), Robert Cronin, Keith Glidden, Richard Luongo (co-chair),
George Tarr

Staff present:

Jim Hankin, Conservation Coordinator

Others present for all or a portion of the meeting included:

John Tomasz, Superintendent of Public Works
Michael DeRosa, consultant
Gordon Rogerson, consultant
Stephanie and Clement Benenson of Sagamore Farm Road
Chris Gangi of 247 Forest Street
Brad Tilley of Asbury Grove Camp Meeting Corporation
Kevin Ricci of 4 White Road

The Commission is scheduled to meet on Sept. 14 and Sept. 28 at 7:30 p.m. The September site walk is scheduled for Saturday morning Sept. 10.

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: the proposed Commission fee schedule; an agreement with the Department of Public Works signed by Ronald Agrella, regarding work near his 211 Linden St. home; an emergency certification issued July 28 for emergency repairs to Chebacco Rd. near Beck's Pond; and a Zoning Board of Appeals special permit issued August 1, 2011 to Chris Gangi of 247 Forest St.

Notice of Intent (Public Hearing continued from July 27, 2011)

10 Villa Road

Karen Ciliv, applicant; DeRosa Environmental, representative

Install seasonal dock on Chebacco Lake

The applicant's wetland consultant Michael DeRosa provided the file number, #172-546, that the Department of Environmental Protection (DEP) assigned since the earlier session of this public hearing. He said DEP has not commented on the filing. Conservation Coordinator Jim Hankin said he does not anticipate that DEP would comment. (See minutes of July 27 for details of proposal.)

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

Mr. Glidden made a motion for the Commission to issue an Order of Conditions for the proposed dock, conditioned on any comments that may come in from DEP. Mr. Tarr seconded the motion. VOTE: Unanimous.

Notice of Intent

25 Sagamore Farm Road

Clement Benenson, applicant; DeRosa Environmental, representative

Construct pond

Wetland consultant Michael DeRosa described Clem and Stephanie Benenson's proposal to create a wildlife pond of about 1/2 acre at the front of their property at 25 Sagamore Farm Rd. He described the site as a wet area that formerly was used as horse paddock, and is now overgrown with re Canary grass. He displayed photos of other such ponds he designed, including one created in 2006 on the Whitman property on Bridge St. Virginia Cookson joined the meeting during this presentation.

Mr. DeRosa described the proposed project on this large property near the Ipswich line, which commissioners visited on Aug. 13. The house is on a hill, and the land slopes to the road. Wetlands lie along the road, and extend slightly across the property line. He showed a project site plan with wetlands mapped, and pointed out where an intermittent stream enters the wetlands at the right of the wetlands (as seen facing the property from the road), and flows out of the wetlands at the left front of that area, at the edge of the road. The Benensons propose to dig a pond in a section of the wetlands. This would convert 6900 square feet of the existing bordering vegetated wetlands to land under water, and a small section of upland to wetlands. They wish also to fill 500 square feet of BVW to convert that area to upland. Grading would create a shallow 10' band just within the pond bank, for the safety of children; then it would deepen to 10', at a 3-to-1 slope. Mr. DeRosa said this depth would provide good nutrient turnover during spring and fall, and keep water cool enough that summer growth would not choke the pond. Trees, shrubs and herbaceous plants would be installed around much of the pond bank over an area of 7700 square feet; species are detailed in the NOI. Mr. DeRosa highlighted the plan to plant buttonbush, which he said is an ideal habitat shrub for amphibians, which attach their eggs and nests to this species. He referred commissioners to a table in the NOI document that lists environmental improvements that would result from this project. Mr. DeRosa said that if the owners decide to stock the pond with fish, he would recommend large mouth bass and other warm water species.

He described proposed siltation controls. The existing soil and subsoils would be scraped; organic material would be stockpiled and re-used, and subsoils would be trucked off site. During site preparation, water would be channeled through a 100' length of 10" corrugated pipe; he said sediment would settle into the corrugated depressions. The water then would pass through a 15' x 15' sediment bag in which 1/4" thick fabric would filter remaining sediment. Mr. DeRosa said the project would not change the intermittent stream's inflow or outlet locations, and would not change the volume of water reaching neighboring properties.

Mr. Hankin read aloud a memo from abutter Margot Killoran, who requested that water not be allowed to leach across fields during construction. She also requested that if in the future the owners pump the pond to lower the water level, the pumps discharge directly into wetlands beyond the Benensons' property line. Commissioners and Mr. DeRosa briefly discussed the pros and cons of different methods of water dispersion, and agreed that sheet flow from a sediment bag would be preferable to point source discharge.

Ms. Cookson asked about the state Department of Environmental Protection's stand on "swapping" types of wetlands. Mr. DeRosa said when he designed the Bridge St. pond in 2006, DEP was agreeable, but he has no feedback yet about this proposal. She asked other commissioners for their opinions. Richard Luongo said he is comfortable with the concept, if it improves the existing environment; he said this proposal would diversify species at the site.

Conservation Commissioner Jim Hankin noted the Commission must wait for DEP to issue a file number, and perhaps comments, before it acts.

Keith Glidden made a motion for the Commission to continue the public hearing to the meeting of Sept. 14. Robert Cronin seconded the motion. The applicants agreed to the continuation.
VOTE: Unanimous.

Request to Ratify Emergency Certification for Work on Chebacco Road

Repair eroding paved area adjacent to Beck's Pond; public safety hazard to public way

Superintendent of Public Works John Tomasz showed photos of the crumbling edge of the pavement on Chebacco Road, opposite the entrance to Chebacco Woods, which led him to request an emergency certification in late July to make immediate repairs. Conservation Coordinator Jim Hankin issued the Emergency Certification on July 28. Mr. Tomasz said since that date a contractor drove five "H-pile" guardrail supports in the soil beside the road to form a safety barrier to prevent cars from going into the lake, and on the day of this meeting the DPW added six 6 x 6 posts to the same area. He said on the day after this meeting the DPW would remove a 36' section of damaged pavement and backfill the area. It is to be repaved later. He said they also would secure a 6" wide wooden railing over the H-piles.

Mr. Hankin noted that regulations direct him to notify the Commission of emergency certifications and the Commission may ratify, modify or revoke the certification. Commissioners expressed agreement with the certification and ratified it by unanimous consent.

Request to Amend Order of Conditions and Permit (Public Hearing continued from July 13, 2011)

Linden and Howard Streets

Hamilton Department of Public Works, applicant

Clearing of debris from approximately 300' of retention area in streambed upgrade from culvert requested to be added to OOC and permit; DEP file #172-0522

Superintendent of Public Works John Tomasz recapped information about his proposal to remove weeds and accumulated leaves and other debris from a retention area across Linden St. from an associated stream that the Commission previously authorized the DPW to clear. Commissioners visited the retention area on Aug. 10; Mr. Tomasz said that white marks he placed prior to that site inspection delineate the work area. He said equipment would not go beyond the edge of the white marks, and would not enlarge the retention area, nor touch the pipe that runs under Linden St. between the pond and the stream. He said he plans for the work to take place within two weeks of this meeting. He asked the Commission to amend the existing Order of Conditions (OOC) for the stream clearing to permit clearing of the retention pond, too.

Mr. Tomasz reported that an abutter to the retention area gave permission in writing for the DPW to deposit on his property the organic material that the DPW proposes to remove from the

retention pond. Keith Glidden suggested that rain might wash the material back into the retention area, and Richard Luongo said it would be better to haul the material away.

George Tarr questioned the value of the planned work. He said the proposed clearing of the retention pond would not improve the stream flow, but would destroy a developing wetland. He recommended the DPW not spend money on isolated projects scattered through the water system (which Mr. Tomasz said starts near Day Ave. and discharges into the Wenham Swamp), but instead accumulate funds and clear the entire system, starting at the Wenham Swamp end. Mr. Tomasz responded that he could clear the entire system in one day with a bulldozer, but that he assumed the Commission would not permit such measures.

Mr. Tarr also suggested it should be homeowners' responsibility, not the Town's, to keep water from entering the basements of nearby homes. He said homeowners could take measures such as sealing, securing back-up power sources for sump pumps, and installing French drains. He also reported that after 2" of rain fell two days prior to this meeting, he inspected the area and found the water level higher in the stream, but well within the stream banks. He said the Town's past issuance of permits to "build where you shouldn't" contributed to drainage problems, but that at this point, homeowners need to be responsible for dealing with such problems.

Mr. Tarr also brought up the Commission's July 13 approval of the DPW's request for another amendment to the OOC; that amendment authorizes the DPW to use machinery to clear the stream. He noted that Mr. Tomasz asked the Commission to allow use of machinery because bids for hand clearing were more expensive than he had expected. Mr. Tarr said that use of machinery therefore would technically violate the original OOC, because it stipulated that the Commission would consider allowing machinery if hand clearing proved inadequate, but as this was not attempted, the DPW never determined whether it was inadequate.

Commissioners discussed Mr. Tarr's comments, as well as the DPW's approach to alleviating flooding in the Howard / Linden St. neighborhood. Mr. Luongo said he does not believe the proposed work would adversely affect the property of homeowners who have complained about flooding in the area. Virginia Cookson suggested the DPW and Commission agree to a management plan like those the Commission approved for the Myopia Hunt Club and for the Essex County Trails Association, to reduce the time and cost involved in Commission approval of some DPW projects. Mr. Glidden said that when roads were constructed across what he called "a significant waterway," insufficient storm crossings were constructed; he said the pipe below Linden Street is too small to drain effectively, and a bridge should replace it. He said the DPW should consider a long-term strategy for managing the stream system, and said that while he was willing to approve the DPW request for an amendment to clean out the retention area, he had reservations and might not "be so generous" if the DPW returns with a similar proposal that does not address the larger issue. He suggested that Conservation Coordinator Jim Hankin observe first-hand some of the work at the site.

Mr. Luongo invited the audience to comment. No comments were forthcoming.

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

Ms. Cookson made a motion for the Commission to allow the amendment to the Order of Conditions, to allow work on the other side of Linden St. from what the original order allowed. Robert Cronin seconded the motion. VOTE: 4 yes, 1 no (Mr. Tarr).

Request to Amend Order of Conditions

247 Forest St.

Chris Gangi, applicant

Install septic system; DEP file #172-0533

Chris Gangi asked the Commission to amend the Order of Conditions previously issued for construction of a septic system at his 247 Forest St. property, to install a Title V septic system, and relocate the silt fence to run between the back corners of the house, and of a recently constructed garage. The Zoning Board of Appeals in August approved the creation of a 1-bedroom apartment on the second floor of the garage, and Mr. Gangi reported that the Town health agent approved the septic system. Mr. Gangi showed commissioners a site plan showing the new location of the silt fence.

Conservation Commissioner Jim Hankin recapped details of earlier work at the property. The Commission issued an Order of Conditions (OOC) for construction of the garage, and of a parking pad between the garage and the side property line. When the parking pad was built larger than specified in the OOC, Mr. Gangi and the Commission agreed to a compensation planting plan. The existing septic system is between the house and the other side property line. The proposed new system is to be built between the house and garage, both of which sit close to the road.

Virginia Cookson asked what would be done with excavated materials. Mr. Gangi said all material would be backfilled after construction, because the site of the system is now at negative grade, and he would probably stockpile the material in the driveway between his house and the road. He said the septic system, which would serve both the house and the upstairs apartment in the separate garage, would gravity feed to a pump chamber, which would pump effluent 10' to the distribution box.

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

Mr. Glidden made a motion for the Commission to amend the OOC to allow the septic system and to the position of the silt fencing, with the special condition that excavated material be stockpiled on the driveway of the house. George Tarr seconded the motion. VOTE: Unanimous.

Request for Determination

22 Martel Road

Scott and Jane Johnson, applicants; Hayes Engineering, representative

Install Title V compliant septic system

Richard Luongo opened the public hearing. The owners' septic engineer/wetland consultant Gordon Robinson of Hayes Engineering displayed a site plan showing the design for a septic upgrade at 22 Martel Rd., and pointed out wetlands and buffer zone lines. The existing system consists of a 1,000-gallon tank and one leaching pit; the pit has failed. The owners propose to replace it with three 9' X 45' plastic leaching chambers between the house and the road, 18" to 2" below grade. Associated work would replace the water service line, and relocate the interior septic line that now runs under the garage floor. Mr. Rogerson said soil tests established that sand and gravel lie beneath the existing grassed front yard. Extensive wetlands lie behind the house; all work would take place within 100' of wetlands, but more than 50' from the wetland line. Hay

bales would be placed as a siltation barrier between the house and the property line, on the side of the house near which the system would be installed. Mr. Robinson said only 10,000 square feet of the 57,000 square foot parcel is usable, and the proposed site is the only one that could accommodate a septic system.

Virginia Cookson made a motion to close the public hearing. Robert Cronin seconded the motion. VOTE: Unanimous.

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

Request for Determination

Asbury Grove

Asbury Camp Meeting Corporation, applicant

Remove trees and drainage work adjacent to Tabernacle

Brad Tilley related that as renovations to the Asbury Grove Tabernacle were being completed, a 4'-diameter hemlock tree fell on the structure. The Asbury Camp Meeting Corporation (ACMC) subsequently identified other trees that could fall on and damage the Tabernacle. The ACMC initially proposed to remove another large hemlock and a maple; and on the Commission's site walk on Aug. 13 a commissioner pointed out a third tree, a maple, that might threaten the structure. All are within 100' of wetlands. Mr. Tilley pointed out the trees' locations on a site plan. The ACMC proposes to plant 3 blue spruces to replace the cut trees, and also wants to plant 5 Rose of Sharon shrubs to the sides of the entrance to the Tabernacle. In addition, the ACMC proposes to add a 4' long hot-top berm atop existing pavement near the entrance, to divert roof run-off so it does not flow inside the structure.

Keith Glidden mentioned hemlocks' habitat value and asked whether any birds are nesting in the trees the ACMC wants to remove. He and Mr. Tilley established that the tree work, expected in the fall, would take place after nesting activity concludes.

Mr. Tilley penciled in the location of the third tree on the site plan and initialed and dated it.

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

Ms. Cookson made a motion for the Commission to grant a negative determination of applicability under Article 3 of the Wetland Protection Act and Article 4 of the Hamilton Conservation By Law. Mr. Glidden seconded the motion. VOTE: Unanimous.

Certificate of Compliance

4 White Road (formerly 1 White Road)

Septic system finished in 1992, no Certificate of Compliance issued; DEP file #172-0182

Kevin Ricci said he discovered in the process of arranging the sale of his home at 4 White Rd. that although permitted work to install a septic system in front of his house concluded in 1992, he never obtained a Certificate of Compliance (COC). Conservation Coordinator Jim Hankin showed the project plan and passed around photos of the site that he took on a recent visit. He

said the front yard, where the septic system was installed, is well vegetated. Mr. Rickey said the system passed a Title V inspection. Mr. Hankin recommended the Commission grant a COC.

Keith Glidden made a motion for the Commission to grant a Certificate of Compliance. Virginia Cookson seconded the motion. VOTE: Unanimous.

Certificate of Compliance

7 Northedge Road

Septic system and music studio construction project; DEP file #172-0380, recorded Book 17400 page 533

Conservation Coordinator Jim Hankin recapped the details of the Order of Conditions issued in 2000 for construction of a music studio and a septic system at 7 Northedge Rd., near wetlands. The owner built the studio elsewhere on the property, out of Commission jurisdiction, and made changes to the existing septic system rather than constructing a new one.

Keith Glidden said it seems inaccurate to issue a Certificate of Compliance (COC) when the applicant and project are not technically in compliance, given that the work described in the OOC never took place. Mr. Hankin said a check-off box on the COC form allows the Commission to categorize the OOC as "invalid," and he left the meeting briefly to print another OOC form in order to do so.

In his absence, commissioners discussed procedural issues about the public hearing that would follow, on proposed fee changes, and Virginia Cookson reiterated objections she voiced at earlier meetings to several features of the proposal.

Keith Glidden made a motion for the Commission to grant a Certificate of Compliance because the Order of Conditions was invalid because work never commenced. Robert Cronin seconded the motion. VOTE: Unanimous.

Public Hearing to Receive Comment on Proposed Fee Changes

Richard Luongo opened the duly advertised public hearing on proposed changes to Commission fees, under regulations issued pursuant to By Law Ch. 17, "Conservation." He invited public comment, and comments by commissioners. No members of the public were present. No commissioners spoke.

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

Mr. Glidden made a motion for the Commission to accept and adopt the proposed schedule of fees as the Commission's fees going forward. Robert Cronin seconded the motion. VOTE: 4 yes, 1 no (Ms. Cookson).

Conservation Coordinator Jim Hankin said the new fees would take effect at the time the Town Clerk time stamps a print-out of the approved schedule of fees, which he said probably would occur within two days of this meeting.

Robert Cronin made a motion for the Commission to accept the minutes of the meeting of July 27, 2011 as presented. George Tarr seconded the motion. VOTE: Unanimous.

Mr. Cronin made a motion for the Commission to adjourn at 9:20 p.m. Virginia Cookson seconded the motion. VOTE: Unanimous.

Minutes submitted Aug. 19, 2011 by Ann Sierks Smith