

**Hamilton Conservation Commission
Minutes of Meeting of October 14, 2009
Meeting held at Hamilton Town Hall**

Commissioners present when meeting convened at 7:33 p.m.:

Nancy Baker (co-chair), Robert Cronin, Peter Dana, Sarah Getchell (co-chair),
Camilla Rich

Staff present:

Jim Hankin, Conservation Coordinator

Others present for all or portions of the meeting: Mary Rimmer, consultant; Richard Luongo, potential candidate for open seat on Commission

The Commission's next regular meeting is scheduled for Wednesday Oct. 28, 2009. Site walks are scheduled for Saturday Oct. 31, 2009.

Sarah Getchell opened the meeting at 7:33 p.m.

Conservation Coordinator Jim Hankin noted that prior to this meeting; he sent commissioners copies of an Emergency Certification he issued on Oct. 5, 2009. He also announced that applicants or their representatives requested continuances of the first four items on the agenda: a Notice of Intent for 236 Moulton St., a status report on a Violation Notice regarding 358 Chebacco Rd., a status report on an Enforcement Order regarding a small uninhabited island in Chebacco Lake, and a Notice of Intent for Woodbury St. adjacent to 122 Woodbury.

Virginia Cookson joined the meeting at 7:35 p.m.

Notice of Intent (Public Hearing continued from Sept. 30, 2009)

434 Cutler Road

Jack Stevenson, applicant; Mary Rimmer, representative

Culvert work at pond and Black Brook

Wetland consultant Mary Rimmer displayed a large aerial photo of the site at which her client Jack Stevenson wants to replace a failed culvert in order to restore normal drainage from a pond. (The Public Hearing on this matter was re-opened and continued without formal announcement.) The pond is west of Cutler Rd., in the area near the north end of that road at which a gate on the east side of the road leads to the Appleton Farms Grass Rides. Water levels have risen substantially in and around the pond, which is near the septic system of a neighboring home. Ms. Rimmer elaborated on information she provided about this project at the Commission's Sept. 30, 2009 meeting and during a Commission site visit on Oct. 3, 2009. She said the existing concrete culvert structure consists of a 12" concrete pipe through a berm at one end of the pond, where a trail used to cross; she said the trail evidently has been abandoned and become overgrown. She said the structure includes two large cement disks. Menino Construction, the firm that recently replaced a culvert on the Myopia Hunt Club grounds, would place metal sheeting around the existing structure, dewater the area, and remove the existing components. The contractors would install two 2' diameter concrete pipes at the same elevation as the existing failed pipe, and place

riprap at the outlet. One elm tree would have to be removed to accomplish this; Mr. Stevenson would plant a similar tree in the vicinity when work is completed. Fred Winthrop, a principal of Arbella Land Trust, has given his consent for the contractors to cross that trust's cornfield between the pond and Highland Street to reach the site, Ms. Rimmer reported. She said the contractors plan to use a Bobcat and a small excavator for this work, and would temporarily place metal plates to reinforce an existing bridge these vehicles would need to cross.

Sarah Getchell noted for the record that she is related to Mr. Winthrop.

Ms. Getchell inquired about where soil excavated for this project would be placed, and whether Mr. Stevenson wants to install a beaver deceiver. Ms. Rimmer said soil would be piled briefly in nearby woods, but would all be returned to the site after the drainage structure is installed. She said that after the culvert repair concludes, Mr. Stevenson would submit a beaver deceiver design for Commission approval.

Mr. Hankin asked how the area would be stabilized. Ms. Rimmer said geofabric would be placed over the entire length of the berm, and would be topped with either gravel or woodchips. The area would be reseeded. She offered to add erosion control measures where the access trail runs close to wetlands.

Ms. Cookson said equipment could compress the soil of the berm. She suggested the Commission require the berm to be returned to its original dimensions. Ms. Rimmer said she might later ask for permission to bring loam to the site to accomplish this, if it proves necessary.

Mr. Hankin told commissioners that the state Department of Environmental Protection (DEP) has issued a file number for this proposed project, but has not commented on it although the plans reached DEP nearly a month ago. Ms. Rimmer said she has been told in the past that if DEP has not issued comments within 21 days of a filing, it is acceptable for the project to proceed; "if they have a problem, they intervene," she said. Mr. Hankin and MS. Rimmer agreed the Commission could act on this NOI without waiting for DEP comments.

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

Ms. Rich made a motion for the Commission to issue an Order of Conditions for this proposed project. Ms. Cookson seconded the motion. Commissioners agreed on five special conditions:

1. Stabilization materials will be fabric, plus either gravel or wood chips.
2. The applicant must replace the tree that is to be cut, and plant it in the vicinity of the work site.
3. Before the applicant has a beaver deceiver placed at the new culvert, a site plan and/or description must be submitted to the Commission.
4. Erosion control barriers must be placed along the work site and access trail where they come within 50' of wetlands.
5. All dimensions of the berm are to be restored to the original height and level.

VOTE: Unanimous.

Commissioners and Mr. Hankin informally discussed news reports on the day of this meeting regarding the resignation of several environmental groups from a state advisory panel, because of state policy changes regarding water withdrawal limits for the Ipswich River and other waterways.

Certificate of Compliance

90 Moulton Street

Elizabeth Skates, Owner

New dwelling and site work with septic system (DEP #172-0485, recorded Book 25796, Page 494, June 20, 2006)

Conservation Coordinator Jim Hankin recapped the details of a project at 90 Moulton St. for which the Commission previously issued permits. The Commission granted an Order of Conditions (OOC) for demolition of a small existing house and construction of a larger one on a parcel abutting the Miles River. Much of the work took place in 2006. The Commission also permitted installation of an in-ground pool. The Commission extended the OOC several times; Mr. Hankin said the contractor stayed in touch with him about project details as the work progressed. A line of trees was left standing, per the Commission's request. A pre-existing garage was dilapidated; the owner requested permission to re-side the garage without changing the footprint, and Mr. Hankin gave his permission after determining this work would have no impact on the resource area. The property is now on the market and the owner requests a Certificate of Compliance.

Mr. Hankin said he inspected the parcel recently and found several discrepancies between the plans filed with the NOI and the way the work was carried out. Boulders were used to stabilize the ground around the swimming pool, rather than the railroad ties that had been specified in the NOI; Mr. Hankin said the boulders constitute a solid structure. He reported also that several areas of mulch are in place on the slope between the house and the river, about 25' from wetlands. He said he assumes these are for future gardening. He said each constitutes about 300 to 400 square feet, and that they look stable but are unvegetated. The lawn is well established. The Commission already issued a Certificate of Compliance for the installation of a septic system at the site. Mr. Hankin recommended the Commission grant a Certificate of Compliance for the remaining components of the project.

Peter Dana asked what would be stored in the garage. Mr. Hankin said the building is solid, with a cement pad foundation, and in the past cars were kept in it. He said that if anything were to leak inside the garage it would not get into nearby wetlands.

Robert Cronin made a motion for the Commission to issue a Certificate of Compliance. Camilla Rich seconded the motion. VOTE: Unanimous.

Request for Determination

41 Ortins Road

Kim Meader, applicant; DB Johnson, representative

Install Title V compliant septic system

Conservation Coordinator Jim Hankin showed the site plan for a new septic system at 41 Ortins Rd. The property is on the market, and the existing system failed Title V inspection. The new septic system would be installed between the house and the road, which also is the location of the existing system. Wetlands are at the back of the property, on the other side of the house. The proposed septic tank would be 62' from the edge of wetlands (EOW), the distribution box would be 73' from EOW, and the leaching field would come within 73' of wetlands. Mr. Hankin said existing lawn covers the area where work is proposed; the lawn slopes gently to wetlands. The applicant proposes crushing and leaving in place the existing septic tank. Hay bales would be

placed for siltation control, and the work area would be reseeded after construction is complete. Mr. Hankin said the proposal is within the parameters of similar projects the Commission has approved in the past.

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

Request for Determination

131 Gregory Island Road

Jeff French, applicant

Install deck on 5 sonotubes at 52' from lake

Conservation Coordinator Jim Hankin provided information about Jeff French's proposal to build a first-floor deck off the back of his house at 131 Gregory Island Rd. The property abuts Lake Chebacco near the Essex town line; there is a related wetland area along one side of the parcel. Mr. Hankin reminded Commissioners that they issued permits for an addition to this house in 2004. A deck/balcony already exists at the second-floor level. Mr. French wants to add a deck below it. His proposal is to dig by hand to install sonotubes to support the new lower deck; his proposal states that it would take half a day to install the sonotubes. The sonotubes would be 52' from the lake.

Nancy Baker said it would be helpful for all wetlands to be marked on the site plan; the wetlands to one side are absent from the sketch Mr. French provided. Mr. Hankin showed commissioners the site plan that had been submitted some years ago with the Notice of Intent for the addition, on which the wetland line to the side was mapped.

Virginia Cookson noted that when the addition was permitted, the Commission instructed the property owner to leave a strip of natural vegetation between the lawn and wetlands. Mr. Hankin said the strip totaled 476 square feet, and was seeded with a mix of grasses and wildflowers as part of the 2004 project.

Commissioners discussed whether to inspect the site, but decided it was unnecessary. Sarah Getchell said that because the upper deck already exists, installation of one below it is "less of a big deal" because water infiltration would be the same.

Ms. Baker asked whether work would take place within the no disturb zone. Mr. Hankin said none would, but work would take place within the no build zone.

Peter Dana made a motion for the Commission to grant a negative determination, with two special conditions:

1. The applicant must submit a plan showing a side view of the proposed deck, with dimensions, prior to commencing work.
2. A strip of native vegetation at one side of the property, which the Commission directed the landowner to leave un-mowed as a condition of a permit for a prior addition to the house, must remain undisturbed, as it has since 2004.

Nancy Baker seconded the motion. VOTE: Unanimous.

Emergency Certification Report
Sagamore Hill
United States Air Force, landowner
Repair existing chain link fence to ensure secure perimeter

Conservation Coordinator Jim Hankin related the details of an Emergency Certification he issued Oct. 5, 2009. United States Air Force (USAF) personnel stationed at the solar research facility on Sagamore Hill, off Sagamore St., requested permission to cut trees and brush around a the chain link security fence that surrounds the installation. This fence runs through both buffer zone and resource area. The purpose of the proposed cutting is to provide access for repair of damaged sections of the fence, and to cut back overhanging tree limbs that the USAF is concerned might allow intruders to climb over the fence. The USAF proposes clearing a 5' strip on either side of the fence by hand, and using a Bobcat to remove the cut material, which they anticipate would take 3 days or less. Mr. Hankin said the USAF representative he walked the site with asked whether it was necessary to file a Notice of Intent for this project, and said they wished to repair the fence as soon as possible. Mr. Hankin granted permission for the clearing to take place to ensure a secure perimeter in the immediate vicinity of the fence; the Emergency Certification specifies that no excavation is permitted, and the work must be completed by Nov. 13, 2009. Mr. Hankin explained that although the military installation is atop a hill, there nevertheless are wetlands on the parcel, because groundwater in the ledge below the surface produces saturated soils.

Nancy Baker asked whether the Emergency Certification allows the Air Force to maintain the cleared areas. Mr. Hankin said if vegetation is cut to grade, there should be no problem for a number of seasons. If the USAF eventually wishes to cut vegetation in that area again, it will be necessary for base personnel to again request the Commission's approval. Ms. Baker said if this should occur, the Commission should require the USAF to file a Notice of Intent, because the situation would not be an emergency.

Virginia Cookson suggested that the USAF could file a Notice of Intent for a maintenance plan. Mr. Hankin said he would inform the USAF personnel of these requirements when he inspects the finished work in November, 2009.

Request for Determination

163 Chebacco Road
Joel Kline, applicant
Repair collapsed retaining wall

Conservation Coordinator Jim Hankin described this proposed project to remove a collapsed stone retaining wall and replace it with a new concrete one in the same footprint, at 163 Chebacco Rd. The wall between the applicant's garage and the road collapsed two weeks prior to this meeting. The property is on the opposite side of the road from Beck's Pond; the wall is 46' to 48' from the pond. Mr. Hankin showed commissioners two photos provided by the applicant: one of the existing collapsed wall, and a computer-generated photo illustration of what the new cement wall would look like if built as proposed.

Virginia Cookson made a motion for the Commission to grant a negative determination under the Wetland Protection Act and the Hamilton Conservation By Law. Camilla Rich seconded the motion. VOTE: Unanimous.

Robert Cronin made a motion for the Commission to approve the minutes of Sept. 16, 2009 as presented. Camilla Rich seconded the motion. VOTE: 4 yes, 1 abstention. (Sarah Getchell abstained because she did not attend that meeting.)

Commissioners briefly discussed the open seat on the Commission. Mr. Hankin noted that Richard Luongo, who has expressed interest in joining the Commission, was present at this meeting. Mr. Hankin said another potential nominee, William Press, accompanied the Commission on the October site walks but was unable to attend this meeting because of a business commitment. Mr. Hankin suggested that commissioners discuss, at their next meeting, recommending a candidate to the Selectmen to fill the vacant seat.

Ms. Getchell made a motion for the Commission to adjourn at 8:46. Ms. Rich seconded the motion. VOTE: Unanimous.

Minutes submitted Oct. 20, 2009 by Ann Sierks Smith