

HAMILTON CONSERVATION COMMISSION

MINUTES OF MEETING

Memorial Room

November 16, 2016

Members Present: Virginia Cookson (Acting Chair), Bob Cronin, Chris Currier (exited at 7:35), Tom Myers, and George Tarr

Coordinator: Jim Hankin

This meeting was called to order at 7:00 pm with a quorum established. Virginia Cookson was designated Acting Chair by unanimous consent.

Meeting Dates

Next site walk December 10, 2016

Final meeting of the year December 14, 2016

Discussion Items

2016-2017 Hamilton Wenham Regional School District (HWRSD) and Audubon Education Proposal.

The HWRSD curriculum director Margaret McElhinney presented the programs that the principals of each elementary school had requested. In response to Virginia Cookson's question if the program was the same as last year, Ms. McElhinney said it was the same basic programming as these were what the teachers were presenting in their classrooms so the programs needed to maintain consistency. Jim Hankin stated there were minor differences in the totals and minor changes between the schools. The budgeted amount was almost exactly the same. The Commission provides funding for the environmental education through the Conservation Fund. Wenham does not participate. Mr. Hankin suggested that the Board vote to expend the amount of money for Hamilton's share and if additional funding is needed for Wenham's share he would come back to Board for approval of additional appropriations. Ms. McElhinney indicated she would be happy to approach Wenham for their share of the funding. Virginia Cookson thanked Audubon for the presentation, said that the Commission would take the topic under advisement, and would vote in the December meeting.

Continued Discussion of the Patton Homestead and Discuss Open Space Committee (OSC) Letter on Scenic Roads

Virginia Cookson recalled meeting the OSC in previous months and wanted to proceed with further discussion. The Commission discussed the acquisition of the triangular space connecting the 9.1 acres with the boat launch and agreed to find out what the Town Manager's approach to solving the connection might be, including possibly going to Town Meeting.

Jim Hankin said he had been in touch with Alan Berry, Patton Ridge Developer. Mr. Hankin said that Peter Kane was working on the survey to site storm water management structures so if there was

drainage toward the open space parcel it would be determined. Mr. Hankin would inform the Commission and the OSC about plan availability. Mr. Hankin noted that the Stormwater Management and Operation Plan for the Ridge development was filed with Planning Board in 2014 for the development, but nothing else had been filed as a later amendment. He included sections of that report as part of the Commission's materials for this meeting.

Twelve Scenic Roads were designated by the 1980 Town Meeting and the list was distributed previously to the OSC. The Scenic Road By-law had not been discovered. If others are discovered they would be added to the official list.

Jackie Hodge asked if the Patton Ridge permit had been changed, but Jim Hankin said he was unaware of any change, but one might have occurred in the process of the hearings. Ms. Hodge asked about the deed for Patton and if there was an addendum. Mr. Hankin had asked Town Council if a new deed would be issued and the response was no. A certified copy of the Town Meeting vote delegating full authority to the Commission over the 9.1 acre parcel has been recorded at the Registry of Deeds. Town Counsel considered this sufficient for Article 97 protection.

The OSC was looking for a committee made up of a Commission member, a Greenbelt member, an OSC member, and Town Manager to look at the property as a whole, not just the open space parcel. It was noted that Greenbelt owns property abutting the Patton homestead property and could be a great resource to the Town and the Commission.

Comments at this point included: Virginia Cookson said Jim Hankin had spent considerable time researching OSC's questions and concerns and he would still seek information. Mr. Hankin indicated that the "No Trespassing" sign at the Asbury Street entrance to former well pump house had been taken down. Nancy Baker, chair of OSC, indicated that Greenbelt may wish to participate in creating a trail map, locate signs, and manage parking. Ms. Hodge said there was no integrity to the 9.1 acres itself so there was a need to combine a consideration of the viewing station and other parcels with trails. Ms. Cookson responded that the Conservation Commission had responsibility for the 9.1 acres and needed to resolve the issues for the land under their purview before going forward.

Ms. Hodge considered the timeliness of planning for the Patton property and wanted the momentum to continue in a measured way. Ms. Hodge said it was the OSC's Charter to keep the character of open space the same in Hamilton. Virginia Cookson said the Town ran through the Town Manager and until the Commission knew why the Town Manager, Selectmen and Planner cut up the parcel the way it was, the Commission wouldn't know if the parcels could be connected to be continuous. Ms. Hodge said the Town Manager had reported at the Planning Board meeting that the Selectmen said the parking lot needed to move forward to get the property in a positive financial situation.

Jim Hankin said he hoped to have definitive answers to the remaining issues at the next meeting, December 14, 2016. The site would be added to the scheduled site walk on December 10, 2016.

Zoning

The section prohibiting crossing wetlands to access upland has been removed as part of the recent comprehensive amendment to the Zoning By-law. Virginia Cookson said she would go to the Planning Board, as a resident, to request that they re-insert it. Jim Hankin said the Commission operated separately and independently from all other departments in town. The Commission has exclusive authority to interpret local and state wetlands regulations and statutes. The Commission

has no authority over zoning issues. Anne Gero said the absolute prohibition was deleted at the advice of Mark Bobrowski as he re-wrote the Zoning By-law. When asked, Mr. Bobrowski explained it should not be part of the Zoning By-law but should be under the Conservation Commission. Jim Hankin said there are no substantive prohibitions in the wetlands state or local regulations. Ann Gero offered that if the Conservation Commission wouldn't implement this prohibition, the Planning Board should be notified as it would become a substantive change. Jim Hankin noted that the matter had been voted and passed at Town Meeting. He added that if a project comes to the Commission under the parameters of crossing a wetland the Commission could certainly deny it if they so choose exercising their discretion reasonably. Mr. Hankin repeated that there were no substantive flat prohibitions in either the local or state regulations currently so this would become the first. Ann Gero said more substantive changes would be voted upon this spring, so if the Conservation Commission wasn't comfortable putting this in local By-laws, they should suggest voting to put it back in the Zoning By-law during Phase II. The topic would be discussed on December 14th.

Jim Hankin asked the OSC when the Commission might expect their comments to the Open Space and Recreation Plan. Zach Peters, an OSC member attended an Open Space conference and the state employee who approved Open Space plans indicated at that conference that she did not accept online only survey data. Nancy Baker updated the Commission on the status of the comments stating that OSC was struggling with the Goals and Objectives section.

Invasive Plant Material at the Patton Homestead.

George Tarr discussed invasive plants on the Patton property with bittersweet having been entangled in the unmown fields. Buckthorn also exists. Mr. Tarr said there were some nice plants, such as spotted wintergreen and Princess pine, on the wooded slope going down to the pond. The invasive plant material was not near the wetlands so there would be no need to file for outside the resource area. Mr. Tarr's proposal was to remove the one patch of goutweed.

Motion made by Virginia Cookson to remove invasive species on the Patton Estate.

Seconded by George Tarr

Vote: Unanimous in favor.

Enforcement Order Status Review 641 Bay Rd.

LLC Owner, Jeffrey T. Angley, Esq. Resident Agent, Francis and Jennifer DiRico residents and authorized to execute documents.

Jim Hankin reported that nothing had regrown in the largest area of disturbance at the site. Mr. Hankin had e-mailed Gordy Robinson to request a stabilization of the soil with hay for winter and see what could grow next spring.

Minutes

Vote: Motion made by Virginia Cookson to approve October 26, 2016 minutes as corrected.

Seconded: George Tarr

Vote Unanimous in favor.

Bob Cronin made motion to adjourn

Seconded by Virginia Cookson

Vote: Unanimous to adjourn at 8:16.

Prepared by:

Marcie Ricker

Attest

Date