

HAMILTON CONSERVATION COMMISSION
MINUTES OF MEETING
January 10, 2018
Memorial Room, Hamilton Town Hall

Members Present: Virginia Cookson, Chris Currier, Richard Luongo (Chairman), and George Tarr.

Coordinator: Jim Hankin

This meeting was called to order at 7:00 pm with a quorum established. Jim Hankin reviewed the materials presented to the Commission including DEP comments regarding 290 Echo Cove Road and Stephens Associates' response to DEP comments.

Notice of Intent 290 Echo Cove Road. Continued Public Hearing. Shahab Afsharian (Owner), Jim Turner (Stephens Associates).

Richard Luongo reopened the public hearing for 290 Echo Cove Road. Jim Turner said DEP comments had been addressed by a written submittal filed for the record at the previous public hearing. The hearing was continued to this date to allow Commissioners time to review the Stephens Associates material.

Virginia Cookson questioned the two dimensional measurement for the bank as opposed to a three dimensional measurement. Mr. Turner responded that NOI application Form 3 requested only a linear foot, two dimensional response.

Mr. Hankin added that the dock needed spaces between the planks if the project is to qualify as a limited project under Wetlands Protection Act regulations. The Commission could add a special condition on deck spacing to the Order of Conditions to comply with this requirement.

Virginia Cookson was disappointed that the engineering firm could not definitively determine the level of Lake Chebacco at the site in response to DEP's comment regarding the 100 year flood zone. Without clear information on this point it was difficult to conclude the distance from the top of the lake to the bottom of the proposed wall is 6'. FEMA documents and GIS data were cited in the application, but Ms. Cookson wondered how the engineers were unable to find out what the elevation for a 100 year storm would be for the property.

Jim Turner responded that his firm was unable to use existing confirmed datum as a bench mark because such information for that area of Chebacco Lake does not exist. Mr. Turner instead assumed a benchmark of 100 feet at a point on the existing deck at the house which made the measurement of the top of the lake as 84.3' and the bottom of the wall was just above 90', leaving a difference of 6'. This is typical engineering practice when no official datum is available.

Mr. Turner said, in answer to the question about the 100 year flood zone, that in order to determine the 100 year flood elevation, the applicant would need to do an extensive hydraulics and drainage area study of all rivers and streams entering the lake. The study would need to predict the rise in the surface elevation of the pond based on the outlet. The study would generate a hydro-graph of water coming into the pond and one for going out of the pond. The result would be a prediction of what the flood water rise would be.

Jim Turner said engineers looked for published FEMA information and found a property on the lake (1 Beech Street) where they determined that the flood elevation was 46.9'. The engineers then compared that information to the subject site, concluding that the 100 year flood zone at 290 Echo Cove Rd. could not be more than 3.8' above the lake making the proposed retaining walls outside the 100' year flood zone.

Virginia Cookson recalled that from year to year, there was a foot or more difference in the lake. Jim Turner responded that approximations have to be used. A study could cost \$15,000, and rather than do that for this one site the engineers reasonably demonstrated that the wall was outside the 100 year flood zone.

Mr. Turner stated that even if the wall was within the floodplain, it would not be altering the flood storage capacity in that area so there was no need for compensatory flood storage. Even if the large lake flooded at 2' to 3' higher, the loss in flood storage would be measured in gallons of water and would not change the elevation of the lake. Mr. Turner thus concluded that the project would not jeopardize the flood storage.

Virginia Cookson agreed with Jim Turner regarding flood capacity but noted that a paper trail regarding his explanation of elevations needed to be incorporated into the history of the project.

Chris Currier asked about pressure treated timber posts for the dock as chemicals could leach into the lake. Jim Turner responded that the non-eco-friendly chemicals were no longer used in treating lumber.

Virginia Cookson made motion to close the public hearing.

Chris Currier seconded.

Vote: Unanimous in favor

Jim Hankin noted the concern based on DEP regulations and the Commission's concern that there be at least a ¼" gap between planks on the dock as a special condition. Findings of fact would include the flood plain issue and Mr. Turner's letter of explanation would be noted in the permit. Richard Luongo thought it would be detrimental to the individual to have him get a full hydrologic survey.

Virginia Cookson agreed that a full study was not reasonable. Jim Hankin said many parts of Hamilton did not have specific elevations for a flood zone, including ponds and lakes. Mr. Hankin said a polygon shape estimation of the 100 year flood zone was issued by FEMA in the current flood plain maps, but it was ambiguous where that shape falls precisely on this site. Richard Luongo said he did not see an impact in the construction of the wall, steps, or dock as they were not taking away any capacity for flooding from the lake. The wall was 6' above the lake and the parcel on Beech St. showed the flood zone at only 3' above the lake, which was a significant difference according to Mr. Hankin.

Virginia Cookson said the Conservancy District on her property was at 44'. Ms. Cookson asked to verify that the No Disturb Zone from new retaining walls to the edge of lake would not be changed in grade but would remain as it was currently. Richard Luongo agreed. Chris Currier noted that it would be more disturbed. Ms. Cookson agreed that the area had been disturbed as created lawn prior to passage of the No Disturb Zone regulation but could not be further disturbed including the use of herbicides or fertilizers. Jim Hankin added that the Commission would return to the site to issue a Certificate of Compliance.

It was noted that the plan was listed as a permit plan as opposed to a construction plan and Jim Hankin indicated that he would reference this as the official permit plan in the Order of Conditions, to which Mr. Turner agreed. Virginia Cookson said that if there were any changes from the plan then the applicant must return to the Commission.

Virginia Cookson made motion to issue an Order of Conditions including the usual conditions plus special conditions including the requirement of plank spacing and the no disturb zone where only hand tools could be used to re-establish the pre-existing lawn.

Chris Currier seconded.

Vote: Unanimous in favor.

Minutes

Motion made by Chris Currier to accept the minutes of December 13, 2017.

Virginia Cookson seconded.

Vote: Unanimous in favor.

Commissioners to list topics for discussion at HCC meeting January 24, 2018.

George Tarr asked to discuss a subcommittee concept for managing the land under Conservation Commission's control and authority at the Patton Homestead and the parcels on Central Ave.

The Sub-Committee could be established with members appointed later. Virginia Cookson would be willing to be on the Committee. Jim Hankin suggested three members with three year terms. The topic would be listed for the next meeting on the agenda with a vote on its establishing the sub-committee.

Coordinator's Report

MACC course registration was discussed. Ethics tests needed to be taken.

Adjournment

Motion to adjourn made by Chris Currier.

Seconded by Virginia Cookson.

Vote: Unanimous to adjourn at 8:50 pm.

Prepared by:

Marcie Ricker

Attest

Date