

HAMILTON CONSERVATION COMMISSION

MINUTES OF MEETING

June 10, 2020

Virtual Zoon Meeting 843 6148 7739

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

Coordinator: Bert Comins

This meeting was called to order at 7:00 pm. A quorum was established and all attendees were present via Zoom.

**Minutes of May 13, 2020**

Motion made by Virginia Cookson to accept the minutes of May 13, 2020.

Chris Currier seconded.

Vote: Virginia Cookson aye, Chris Currier, aye, George Tarr aye, and Richard Luongo aye.  
Unanimous in favor.

**Request for Determination of Applicability – Kimberly Snow and James Brown. 376 Highland St. Installation of a 16' x 24' above ground swimming pool.**

Bert Comins noted that he had visited the site to find a steep hillside with scrub vegetation and a clear wetland line at the bottom. The proposed above ground pool would be 65' from the wetland. Kimberly Snow was present and said excavation would be minimal. Peter from Gibraltar Pools was also present and said a small tractor would remove sod, which would take about one half of an hour. Washed mason sand would be wheelbarrowed in to be used under the pool liner.

Motion made by Virginia Cookson to issue a negative determination under the Wetlands Protection Act and Chapter 17 Town Bylaw for an above ground pool at 376 Highland St. to follow the Request for Determination and plan, dated May 14, 2020 with no special conditions. George Tarr seconded.

Vote: Virginia Cookson aye, Chris Currier, aye, George Tarr aye, and Richard Luongo aye.  
Unanimous in favor.

**Discussion:**

33 Berrywood Lane. DEP 172 -0604. Plan Modification Request

Bert Comins and Virginia Cookson had visited the site. Three trees that were not part of the original order but were being proposed for removal. Based on the Notice of Intent, the trees were outside the no disturb zone. Ms. Cookson said the trees were small, dying hemlocks, which were likely to fall down at the edge of the woodlands. The trees were inside 100' but outside the no disturb and no build zone. Ms. Cookson suggested accepting the request as a diminimus change with a letter submitted to the file. Mr. Comins showed a photo of the site.

Motion made by Virginia Cookson to accept the explanation and request from the owner of the lot to remove three dying hemlock trees as a diminimus change with the change becoming a part of the record. The change would become part of the plan and nothing else needed to be done for the request.

Chris Currier seconded.

Vote: Virginia Cookson aye, Chris Currier, aye, George Tarr aye, and Richard Luongo aye.  
Unanimous in favor.

#### Canter Brook Farm Condominiums Conservation Restriction.

Melissa Ogden (Mann and Mann) was present to discuss the open space Conservation Restriction (Parcel A), which in accordance to the special permit approval, needed to be approved before the tenth occupancy permit could be issued. The Conservation Commission needed to accept the Conservation Restriction before the applicant could go before the Selectmen and then the State for approval. The open space area was approximately 8.8 acres around the building footprints. The Conservation Restriction reflected the maintenance of the mailboxes, which were located at the driveway and two wells, which were located on the other side of unit 21. Larry Smith said the well on Asbury St. had been capped but required occasional maintenance. The other well would be used for irrigation.

Virginia Cookson said this was the first time the Commission was aware of the Conservation Restriction and wondered who would be responsible for the land. Larry Smith responded that the homeowner's association was responsible for the maintenance of the land. Non-motorized access for the town for passive recreation was being offered. The trails were 75% constructed and would be maintained by the condo association. Melissa Ogden said the maintenance was part of the Planning Board special permit decision. Part of the decision included restoring the landscape and maintaining the trails. The association would come to the Commission for marking and clearing of existing trails and managing non-native vegetation removal and restoration of native communities. Ms. Ogden said the property was subject to existing Orders of Conditions, which were issued in 2018. Guest parking was provided on Canterbrook Lane.

Members of the Commission discussed the potential of the Town accepting the responsibility of maintenance. Melissa Ogden said presently the obligation of the association was to maintain the signage and trails but at some point, the Town could find themselves with the obligation. Larry Smith said the condo association must maintain the open space area, which was clarified in the condo documents that every owner was subject to.

The Commission was being asked to approve the restriction, which would grant an easement to the Town. As a requirement of the statute, the Commission would approve the restriction for conservation purposes.

Motion made by Chris Currier that the Conservation Commission of the Town of Hamilton accept the Conservation Restriction as proposed as recited in the restriction documentation including the plan presented tonight at this meeting for Canterbrook Development.

Virginia Cookson seconded.

Vote: Virginia Cookson aye, Chris Currier, aye, George Tarr aye, and Richard Luongo aye.

Vote: Unanimous in favor.

**Other Business**

Bert Comins noted that documents needed to be signed. If a notary was required, only one signature needed to be notarized.

Bert Comins asked if a dead tree in the no disturb zone needed to have the applicant file a Request for Determination or Notice of Intent. Mr. Comins was instructed to have a tree company certify that the tree was dead and needed to be removed. If Mr. Comins saw the tree was dead and ready to fall, he could approve the removal as an emergency.

Virginia Cookson asked Bert Comins to review the open space restriction at Taft Woods as Ms. Cookson was unable to find the entrance as many things had been moved and changed. Ms. Cookson said a new owner may be unaware of the entrance being on their property. Ms. Cookson also wanted to find a replacement for the empty Commission seat.

**Adjournment**

Motion made by Virginia Cookson to adjourn.

George Tarr seconded.

Vote: Virginia Cookson aye, Chris Currier, aye, George Tarr aye, and Richard Luongo aye.

Unanimous in favor at 8:06 pm.

Prepared by:

\_\_\_\_\_  
Marcie Ricker

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Date