

HAMILTON CONSERVATION COMMISSION

MINUTES OF MEETING

August 12, 2020

Virtual Zoon Meeting 84953604266

Members Present: Virginia Cookson, Chris Currier, George Tarr, and Richard Luongo (Chairman).
Coordinator: Bert Comins
Others present: Lisa May, Matt Donovan, Grant Rosario, Kristan Farr, and Joe Maher.

This meeting was called to order at 7:12 pm. A quorum was established and all attendees were present via Zoom.

Minutes of July 8, 2020 and July 22, 2020

Motion made by Virginia Cookson to approve the minutes of July 8, 2020.

Seconded by George Tarr.

Roll Call Vote: Virginia Cookson - aye, Chris Currier - aye, George Tarr - aye, and Richard Luongo – aye.

The minutes of July 22, 2020 would be approved at the next meeting.

Public Hearings

Continued Public Hearing. Notice of Intent. Joseph Maher. 256 Linden St. Demolition of an existing shed and construction of a new shed.

Joe Maher was present. A file number had not yet been provided by DEP. George Tarr, Virginia Cookson, and Bert Comins had been present at the site walk to see the flagged wetland line, the existing shed, and the steep slope. Members discussed how the site had restricted potential locations for the shed. Mr. Tarr said the contours didn't seem to match the wetland edge and the 50' line didn't follow the wetland edge. It was assumed that the contour lines were wrong and the 50' line mirrored the actual wetland line rather than the line on the plan. No soil samples had been taken but the Commissioners at the site walk accepted how the area had been flagged along the lawn. Members discussed if the shed would be allowed in the 25' no disturb zone if there were no other locations to place it.

George Tarr was supportive of taking the old shed out of the wetlands to restore the wetlands' structure. Mr. Tarr was concerned about setting precedence in allowing a shed within the 25' no disturb zone, even if it was a rare exception. Members discussed the inconsistency of the presented plan. Bert Comins said he had conferred with Town Counsel regarding setting precedent to find that KP Law did not believe the Commission should be concerned about setting precedence as each project should be considered on a case by case basis.

Virginia Cookson suggested delaying the decision until the next meeting to understand the site better and receive a DEP file number. Joe Maher said DEP had cashed his check but he had not heard from them despite multiple phone calls. Mr. Maher agreed to the continuance.

Request for Determination of Applicability. Keolis Commuter Services. Review wetland maps along railroad Right of Way.

Matt Donovan (Fair Demody Consulting Engineers) was present. CMR 11 and CMR 10 required the applicant to submit delineated maps of the railroad right of way to confirm the resource area as part of a five year management plan. The management plan included vegetation removal along the right of way for safety reasons. The management plan was heavily regulated by Federal, State, and Municipal laws to protect sensitive areas. The Board of Health, Selectmen, and Conservation Commission were supplied a yearly operational plan last February.

Matt Donovan reviewed the presented maps. The maps were for the application of herbicides. Areas colored in blue and yellow designated no spray or limited spray areas. There were only two yellow zones along the tracks in Hamilton, which indicated open water. Mr. Donovan said the maps seldom changed. No updates had been noted for Hamilton. Mr. Donovan described the process.

Motion made by Virginia Cookson to issue a negative determination for work along the railroad tracks for work in the Town of Hamilton.

Chris Currier seconded.

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

Notice of Intent – Lisa E. May. 272 Echo Cove Road. Replacement of existing deck with additional grading and retaining wall.

Joe Small and Kristan Farr (Hancock Survey) were present. Kristin Farr said 2/3's of the property were in the buffer zone of Chebacco Lake. The project was to replace the existing deck on the existing footprint with minor grading under the deck. A small retaining wall with pavers would be constructed under the two story deck. DEP did not offer comments. Sonotubes would support the new deck. Architectural plans were reviewed and showed the second floor deck did not wrap around the house while the lower deck wrapped around the structure. The upper deck would be the same depth as the lower deck to the width of the house. All work would be completed by hand. Currently, the slope extended under the deck but a retaining wall would replace the slope.

Motion made by Chris Currier to issue an Order of Conditions for 272 Echo Cove Road to replace the existing deck with additional grading and retaining wall as presented tonight.

Virginia Cookson seconded.

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

Discussion

Patton Ridge mowing

George Tarr reported that the DPW had been mowing areas every two weeks that were supposed to be mowed twice a year. Mr. Tarr said he and the DPW came to an agreement (in accordance to a plan dated March 2019) regarding what would be mowed. Mr. Tarr said the Patton Ridge Association, who had agreed not to mow specific areas near the beech tree, had mowed the entire area. Mr. Tarr said the Patton Ridge Association was not following the Memorandum of Understanding and wondered what the Commission wanted to do about it. Originally posts had been proposed but the Patton Ridge Association did not want to have them installed. Mulch and plantings had not been incorporated under the beech tree to delineate where mowing should cease. The DPW had reportedly suggested planting native plants in the area to demark it. Invasive plants would need to be removed. A path could be mowed to allow access to the area without accessing Patton Ridge property.

The grassy area where the double row of conifers were planted was not discussed in the Memorandum of Understanding. The boundary with Patton Ridge ran down the middle of the planting. George Tarr asked if the Commission wanted Patton Ridge to mow the area as they had to come across the 9.1 acres to mow their section of the conifer area.

The Memorandum of Understanding outlined that Patton Ridge would not mow inside the area where the line was drawn on the agreed upon plan but they had mowed the entire area including the land that was to revert to meadow. George Tarr asked members if they wanted to install the posts or reinstate the provisions within the Memorandum of Understanding. The DPW said they would install the posts but were reluctant to mulch the area under the beech tree due to costs. Richard Luongo said he liked the perennial mix planting concept. The perennial garden would require maintenance until the perennials took hold.

Richard Luongo suggested notifying the Patton Ridge Association of the plan and explain that cutting should not be done. George Tarr had previously tried to contact the Association. Bert Comins could send a more formal notice. Members of the Association would be invited to attend the next meeting to discuss the situation. Everyone agreed to move forward with the installation of the posts. Mr. Comins would consult with the DPW. Mr. Comins would also reach out to New England Wetland Plants to discuss the perennial mix planting potential.

George Tarr thought Patton Ridge would prefer to maintain the conifer area as grass. Some milkweed and wildflowers were growing there presently. Patton Ridge Association had mowed their section of the area. Mr. Tarr suggested that if the area was not mowed, it could revert to meadow by mowing it either once in September or twice a year. Chris Currier did not think it would be an issue if Patton Ridge mowed the area rather than the DPW. The conifer area would be discussed at the next meeting but would be separate from the issues of mowing the beach tree area.

384 Chebacco Road violation

Virginia Cookson had discovered the owner had been grading land as well as cutting and removing trees. After receiving permission, the area was visited to find that quite a few trees had been felled and two brush piles were located in the wetlands. The homeowner was instructed to stop activity and install erosion control. Erosion control was not installed but it appeared that work had ceased.

Bert Comins showed photos of the area and reported that the owner said he was cutting firewood. While the owner said he had cut a dead tree, Mr. Comins thought five live trees had been felled. The landowner, who without proper permitting destroyed vegetation within the 25' No Disturb Zone of a Certified Vernal Pool, would be invited to the next meeting to discuss the situation.

Other Business.

Adjournment

Motion made by Virginia Cookson to adjourn.

Chris Currier seconded.

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

Unanimous in favor to adjourn at 8:35 pm.

Prepared by:

Marcie Ricker

Attest

Date