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2021 JUL 28 PM 4: 23

HAMILTON CONSERVATION COMMISSION

MINUTES OF MEETING

February 10, 2021 at 7 p.m.

Virtual Zoom Meeting 899 7900 9928

Passcode 784089

Members Present: Richard Luongo (Chairman), Virginia Cookson, Chris Currier, George Tarr
Coordinator: Bert Comins
Others Present: Tyler Ferrick - DeRosa Environmental Consulting, Larry Smith - Canter Brook Capital, LLC, Jeff Merritt and Brent Cole – Site Engineers, Julia Dickinson – Business Development Partner, Jill Mann – Permit Attorney, and Cathy Rich-Duval, Greg Hochmuth from Williams & Sparages –Wetland Specialist

A quorum was established and the meeting was called to order at 7:02 p.m.

Vote minutes: 1/13/2021 & 1/27/2021

Motion made to accept the minutes of January 27, 2021 with the correction of the MACC to MECC by Virginia Cookson.

Seconded by George Tarr.

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

Unanimous in favor of voting members.

Motion made to postpone the acceptance of the minutes of January 13, 2021 until the next meeting by Virginia Cookson.

Seconded by George Tarr.

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

Unanimous in favor of voting members.

Public Hearings

Request for Determination of Applicability – 42 Tally Ho Drive – Adam & Holly Regan – Construction of deck and patio

Bert Comins shared the site plan with the Commission showing a platform with stairs that would be removed and replaced with a deck that would come out and around with stairs going away from the wetland and a small patio. In the RDA work description there is an existing paper patio and they intend remove that and convert it to a garden area.

Motion made by Virginia Cookson to issue a negative determination for the RDA at 42 Tally Ho Drive for the work requested to remove the existing platform and replace it with a deck, stairs and a patio. A special condition to be added to the plan was requested by the Commission to

include an 8" erosion control model to be used when removing the paver patio until it is stabilized.

Seconded by George Tarr.

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

Unanimous in favor of voting members.

Notice of Intent – 823 Bay Road – Marguerite & Peter Clark – Ecological restoration & invasive species management

Tyler Ferrick with DeRosa Environmental Consulting represented the Clarks regarding their property at 823 Bay Road.

Chris LaPointe with Greenbelt approved the Notice of Intent prior to submission to the Conservation Commission as the majority of the property is in a conservation restriction area. On the 121-acre property there is a dug pond that was created between 1938-1955 and has become overrun with invasives. The plan is to eradicate the large area of phragmites and try to restore the environment. Because the invasives are in the Miles River flood plain, mechanical removal is not possible. DeRosa proposed using a low-pressure system UTV (Utility Terrain Vehicle) Marsh Master which would allow access to treat the phragmites. Treatment in the fall when the phragmites take nutrients in to the root system would work best. The herbicide Imazamox would be applied in September which would go down to the root system and kill the plants and the rhizomes. The herbicide would be left in for 6-7 weeks and then in February or March the phragmites would be cut and the remaining thatch would be burned. After the first year, reduction is usually 85-90 percent and after that a spot treatment would be done to allow native vegetation to come in. Currently, the phragmite is a monoculture so no natives would be harmed in the application. In another section of the property, woody shrubs would be removed using whole plant removal with a mini-excavator during the frozen period (currently).

Due to the scale of the project, a 5-year permit would be requested in the Notice of Intent for annual maintenance management of the restoration area. Native shrubs and herbaceous native plantings would be installed along the fringe of the existing lawn where it goes into the wetland and would act as a wet meadow transforming into the bordering vegetative wetland that currently exists.

Bert Comins explained that under the Order of Conditions General Condition, a 3-year order would be allowed and an extension permit would be needed beyond that timeframe.

Motion made by Virginia Cookson to close the public hearing.

Seconded by Chris Currier.

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

Unanimous in favor of voting members.

Motion made by Virginia Cookson to issue an Order of Conditions for the work at 823 Bay Road for the requested restoration work to be done on the property as shown in the submitted Notice of Intent and to follow the Notice of Intent for equipment that will be used at the proper time of year in that Notice. DeRosa Environmental Consulting would need to stay with their plan and if there are any changes or additions, they are required to come back to the Commission for a period of 3 years.

Seconded by Chris Currier.

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

Unanimous in favor of voting members.

Abbreviated Notice of Resource Area Delineation – 133 Essex Street – Chebacco Hill Capital Partners, LLC – Confirmation of resource area boundaries at 133 Essex Street

Larry Smith reported to the Commission that the above-mentioned property was under agreement to build senior housing. The plan would be to preserve the farm and most of the trails on the site which are currently private property and a trail easement would be used for the public.

Mr. Smith introduced the team Jeff Merritt and Brent Cole, site engineers, Julia Dickinson, Business Development Partner, Jill Mann, Permit Attorney, Greg Hochmuth, Wetland Specialist and Cathy Rich-Duval current owner of the property since mid-1950's.

Greg Hoffman from Williams and Sparages represented the applicant for the Abbreviated Notice of Resource Area Delineation filed for 133 Essex Street hired to delineate the jurisdictional resource areas on the parcel which was done this past fall into the winter. Mr. Hoffman showed the Commission the map of his site review. The map showed a hillside seat that went down the valley between ledged knobs and as the hillside seat went down gradient, there was sagina moss and then spilled out into a large bordering vegetative wetland. The bordering wetland pitches where it began to channelize into an intermittent stream that came down and joined another intermittent stream that flowed from a series of ponds behind the farm stand and then flowed into Chebacco Road. The stream was shown as intermittent on the USGS map but could be deemed perennial if the watershed size was large enough (square mile watershed) but right now it is a .2 square mile.

Associated with that stream was an extensive bordering vegetative wetland system that was on the wooded side of the parcel as well as where the farm fields are. Another bordering vegetative wetland was delineated as a J series and there were isolated wetlands throughout the property. One wetland was in the corner of the lot behind abutting homes and another on top of the hill that is in between knobs of ledge. A certified vernal pool within the large wetland system is shown on Mass GIS Vernal Pool Datalayer and needed to be confirmed once vernal pool season hits to be sure its delineation is shown accurately. A potential vernal pool shown by Natural Heritage also needed to be confirmed. The ANRAD was filed to enable the Commission to approve the delineation of the resource area boundaries of the property. Mr.

Hoffman told the Commission that they had not gotten the file number from DEP yet, however the green cards did come back.

Ms. Cookson explained that she certified the vernal pool on the west side going north to south and questioned whether another vernal pool on top of the big hill was certifiable. Another certifiable vernal pool was on the Blue Dot Trail, to the east and Ms. Cookson was not sure if it was on the Rich property.

Mr. Comins told the Commission that with a situation like this, the Hamilton Conservation can have the delineation peer reviewed by a third party. Bylaw Regulation stated that a third party would need to be chosen by the Commission and paid for by the applicant in order to review the delineation. Mr. Ford and Mr. Hochmuth agreed and asked that there be 3 proposals. In the Bylaw Cold Weather Delineation Regulation, a review could not be done between October 15 through April 15.

Public Comment

Jessica Kagle – agreed to help with identifying the species in the vernal pool areas.

Nancy Peterson, abutter believes quite a few vernal pools are not delineated in the plan

Due to liability concerns, the question of whether private citizens would be allowed to join the site walk was raised and Mr. Comins agreed to check with Town Council.

Motion made by Virginia Cookson to continue the meeting with the acceptance from the applicant to the March 10, 2021 meeting of the Conservation.

Seconded by George Tarr.

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

Unanimous in favor of voting members.

Discussions

- Violation – 75 Gregory Island Road (contingent on response to violation notice)

Mr. Comins went to the site and spoke to the resident who had not received the notice as of the last meeting. The structures were not actually sheds and did not have foundations, one was a chicken coop and the other was a chicken run. Both structures were built on land that was previously a parking area so no vegetation was cleared in the process. Based on Massachusetts size regulations, a permit was not needed for the chicken coop. The resident is currently in the process of moving the chicken run to the west side of the property.

Motion made by Virginia Cookson for the Commission to rescind the violation notice at 75 Gregory Island Road.

Seconded by George Tarr.

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

Unanimous in favor of voting members.

- **New commission member vote**

Mr. Comins agreed to submit a recommendation to the Board of Selectman for Lauren Lynch to become a member of the Commission.

Motion made by Virginia Cookson to suggest a new member of the Conversation Commission, Lauren Lynch to the Board of Selectman.

Seconded by George Tarr.

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

Unanimous in favor of voting members.

- **Other business**

Mr. Tarr raised the issue of the Commission holding a conservation restriction on the remaining 9.1 acres of open space on the Patton property, the plan would include the additional 11 acres and 6.6 acres which is mostly wetland. Legally, another entity would need to hold the conservation restriction. Mr. Tarr spoke to Chris LaPointe from Greenbelt and he agreed with the restriction being placed on the property. If the Commission agreed to support the restriction, the proposal would then be submitted to the Board of Selectman to be included as an article for the agenda at Town Meeting. If Town Meeting approved the restriction, the Conservation Commission could suggest that Greenbelt be the grantee and they would help write the conservation restriction. Mr. Tarr explained that the alternative to that plan would be a citizen's petition which he would be willing to do if the Commission did not agree with submitting the proposal. Mr. Tarr agreed to send the proposal to Mr. Comins who will then email the proposal to Commission members.

The Commission agreed to have Mr. Comins check with Town Council to be sure the plan was solid and that a restriction could be proposed. To help identify the parcel, the plan would be called Patton Conservancy 9.

Motion made by Virginia Cookson for the Conservation Commission to support George Tarr's proposal for the Town Meeting.

Seconded by Chris Currier.

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

Unanimous in favor of voting members.

Mr. Comins told the Commission that DEP scheduled the site walk for 3 Arabian Way for Monday, February 15, 2021 and a reminder will be sent out.

Adjournment

Motion made by Virginia Cookson to adjourn at 8:49 p.m.

Seconded by George Tarr.

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

Unanimous in favor of voting members.

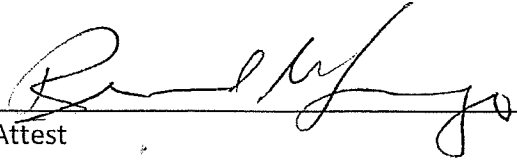
The next Conservation Commission meeting is scheduled for Wednesday, February 24, 2021.

Prepared by:

Ann Schlecht

2/17/2021

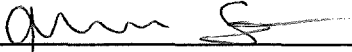
Attest



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

The next Conservation Commission meeting is scheduled for Wednesday, February 24, 2021.

Prepared by:



Ann Schlecht 2/17/2021 Attest

