

HAMILTON CONSERVATION COMMISSION

MINUTES OF MEETING

August 11, 2021

Zoom ID 88935187745

Passcode 564076

2021 SEP -9 PM 4: 32

Members Present: Virginia Cookson, Chris Currier, Lauren Lynch (Chairman), and George Tarr.
Coordinator: Brian Colleran
Others present: Bob Grasso (Engineering Land Services – 82 Blueberry Lane), Jeff Hashim (19 Farrington Lane), and Paul Johnson (Appaloosa Lane)

This meeting was called to order at 7:13 pm.

Roll call: Virginia Cookson – present, George Tarr – present, Chris Currier – present, and Lauren Lynch - present.

Announcements

Minutes

To be approved at the next meeting.

Public Hearings

Notice of Intent - 82 Blueberry Lane – Robert and Nicole Brown – The Browns seek to replace a septic system. DEP 172-0627. Bob Grasso, who represented the applicants, said the project was to replace the existing septic tank, which was located under the existing wood deck. Mr. Grasso shared the screen to show the plan. The plan featured an existing four bedroom septic design for a three bedroom home. Soils were found to be series A and B and the 25', 50', and 100' zones were located. The septic components were shown. The existing tank would be crushed. The gravity fed line would lead to a 2,500 gallon combination tank (1,500 septic tank and 1,000 gallon pump chamber). The studio apartment above the garage had an abandoned septic system. No one was living in the apartment but the applicants were proposing an in-law apartment and needed the septic system to include septic service for the apartment. The new tank would tie both buildings together and force effluent up to the distribution box then to the existing leaching field. Mr. Grasso said the existing leaching field passed the Title 5 inspection.

According to Bob Grasso, a 12" diameter silt sock would be installed on both sides of the driveway prior to construction and construction vehicles would access the site from the front lawn. The proposed septic tank would be 38' to the wetland, outside the 25' no disturb zone. The plan had been approved by the Board of Health. The DEP had issued no comments when issuing a file number.

After Brian Colleran said he did not conduct a site walk because the plans were very clear, Virginia Cookson questioned approving a Notice of Intent without a site walk. Mr. Colleran noted that the proposal was for a septic system on a previously developed lot. Ms. Cookson wanted to have someone visit the site before construction began and again before issuing a Certificate of Compliance. Bob Grasso responded that it was a very minor project, the fence line was the limit of work, the area was in lawn, silt control was being incorporated, and the situation would be an improvement. Mr. Grasso said there were no grade changes, no additional runoff, and that the tank would be in the low spot to allow a gravity feed from both units. The leaching area would remain untouched. If the project were in the front of the house, there would be more disturbance. Only one tree would be removed. Ms. Cookson and Lauren Lynch agreed that it was seldom that the Commission allowed constructions to start without a site walk either by the Commission or the coordinator. Ms. Cookson did not want to set a precedent allowing this project to go forward and suggested issuing the permit pending a site visit. Mr. Grasso said the Board of Health had been on site. Ms. Cookson said she would visit the site.

George Tarr and Bob Grasso discussed the need for a 2% slope from the garage floor to the tank and the need for two long trenches to the tank. Mr. Grasso said material could be taken off site after some of it was used to fill in the existing septic tank. There would be new top soil on top of the new tank. Virginia Cookson said the soil could also be used on the site.

Motion made by Virginia Cookson to close the public hearing.

Seconded by George Tarr.

It was noted that no abutters spoke regarding the proposal.

Roll Call Vote: Chris Currier – aye, George Tarr – aye, Virginia Cookson – aye, Lauren Lynch – aye. Unanimous in favor.

Motion made by Virginia Cookson to issue an Order of Conditions under the Wetlands Protection Act and under the Town By-Law, Chapter 17 to allow work to be done here as explained on this plan with the condition that the contractor on the site has a copy of the plan. Second motion that we delay issuance for one to two days for a member of the Commission or their representative to do a site walk.

Chris Currier amended the motion to extend the approval for four days, to be final when the review of the site walk had been conducted within the four day period. Members agreed that the conditions would not reflect the inspection provision but would rather be a letter or memo, which would accompany the Order of Conditions.

Seconded by George Tarr.

Roll Call Vote: George Tarr – aye, Chris Currier – aye, Virginia Cookson – aye, and Lauren Lynch – aye.

Certificate of Completion - 19 Farrington Lane - 172 0608 – Jeff Hashim, homeowner.

Brian Colleran said he had reviewed the Order of Conditions and conducted a site walk. While on site, he requested that the erosion control and DEP sign be taken down. Trash behind the

erosion control should be removed. Photos had been received and proved that the site had been cleaned up. The project included landscaping, rehabilitation of the exterior of the building, patio, yard, and re-alignment of the wall at the back of the property. The project was completed in November of 2020. Mr. Colleran did not have any concerns about issuing the Certificate of Compliance.

Motion made by Virginia Cookson to issue a Certificate of Completion for 19 Farrington Lane file number 172 0608.

Seconded by Chris Currier.

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

Certificate of Compliance – Appaloosa Lane. Lot 7, Map 60/Lot 115 – DEP #172-203

Paul Johnson was present. Brian Colleran said the plans, drawings, or information from the 1992 filing were not located. Mr. Colleran found the agenda but not the meeting minutes despite the fact that the Order of Conditions said the project would be done in accordance with the plan as discussed in the minutes of August 1992. Mr. Colleran did not find a basis to recommend a denial of the Certificate.

Motion made by Virginia Cookson to issue a Certificate of Compliance for the 1992 filing for 27 Appaloosa and due to the flood in the basement a long time ago, the paperwork for this project no longer exists.

Seconded by George Tarr.

Roll Call Vote: Chris Currier - aye, George Tarr - aye, Virginia Cookson - aye, Lauren Lynch – aye. Unanimous in favor.

Request for Determination – Appaloosa Lane. Lot 7, Map 60/Lot 115 – Paul Johnson – Mr. Johnson seeks to determine whether a home to be constructed, and associated site work is within the Commission’s jurisdiction.

The posting in the local newspaper did not occur due to a filing deadline issue. Virginia Cookson, Lauren Lynch, and Brian Colleran had visited the site to discuss the property. The previous Conservation Coordinator had signed off on the project and emails regarding the removal of trees between Paul Johnson and the previous coordinator had been located. The trees were not jurisdictional. While a septic plan was designed, a wetland delineation had been completed. The proposed house was to be located 101’ from the resource area. Members who were on the site walk questioned the wetland line and one flag had been relocated. The Commission would discuss if they wanted to go through the Request for Determination process for construction access or other action. The Johnson family proposed to install preventative measures along the edge of the roadway so trucks would not impact the wetlands. The Johnsons wanted to start work and hoped the delay in publication of the notice would not delay construction.

Paul Johnson said he would access the construction site from Essex St. as they had done when the foundation was poured. Virginia Cookson said there might be a need for more hay bales between the wetland near the construction road and that the access road should be part of the filing. Ms. Cookson wondered if the access road was part of Mr. Johnson's farming operation but Mr. Johnson indicated that he only walked his horses along the access way. Lauren Lynch noted that the applicant was informed by the prior agent, not to file for a scope of work as it was not within the Commission's jurisdiction but the access road concerns would be addressed with haybales to prevent erosion. Ms. Lynch opined that a subsequent future filing might need to happen but work could proceed because any conditions would have already been taken by the applicant. Members discussed if a permit could be filed retroactively. Ms. Lynch suggested having an open discussion regarding the Request for Determination at the next meeting and discussing the site walk regarding concerns and actions taken to address the concerns at this meeting. Ms. Lynch found no reason to issue an Enforcement Order.

Members were uncomfortable allowing the applicant to proceed with work without issuing a determination so a special meeting would be held the following week. Paul Johnson was in agreement. The notice would be placed in the local paper in time for the special meeting, on Thursday, August 19, 2021 at 7:00 pm. Members would be available to meet via Zoom.

Discussions

453 Essex Street Site walk.

Members discussed the site walk and that there were two wetland complexes on the site: one near the farm road and one close to Appaloosa Lane. DEP had flagged the area as a wetland via air mapping. Paul Johnson agreed that the area had been filled without Conservation Commission approval. Mr. Johnson said the Mosquito Control Board had filled in the wetland. Another area of the land had experienced mechanical changes. The soil was bright white and appeared to have been hand dug. Brian Colleran said he did not know enough about the Wetlands Protection Act farming exemptions to determine if it was in violation or if it was an ecological or regulatory issue.

The Mosquito Control Board had given Paul Johnson bad advice in the mid 2000's. Mr. Johnson would search for the paperwork associated with the fill project and write down the history of what had happened. The information would be shared with DEP and the Mosquito Control Board to obtain their reactions. It was determined that this incidence would be separate from the Request for Determination to be discussed the following week. Virginia Cookson said it would be difficult to revert the land back or replicate when no one knew what the land looked like. Members discussed that a friendly Enforcement Order would encompass a trail of information and formalize the discussion.

Paul Johnson would look for information and discussion would ensue in October. After the Enforcement Order was cleared, a new file for the utilities would be opened. DEP might say what is done is done or order to have a replication area constructed. The Commission would

need guidance from DEP regarding how to proceed. Mr. Johnson's daughter said her parents would follow the law and do the right thing.

Other Business.

Virginia Cookson wanted permission from the Commission to speak with the Town Manager regarding the 19 hour per week Coordinator position. Ms. Cookson acknowledged that the position did not offer benefits and was a position that required more expertise than other part time positions at Town Hall. As some open space responsibilities had been put under the purview of the Commission, members realized that while more work was being added, hours and benefits were being cut for the Coordinator. Members agreed that the Board of Selectmen (Selectboard) should also speak with the Commission before assigning them responsibility for open space. Ms. Cookson would draft what she felt needed to be said and the Commission would review it. George Tarr thought the information should be in the Management Plan as a budget was needed for the whole thing. The Memorandum of Agreement was not completed to date.

Adjournment

Motion made by Virginia Cookson to adjourn at 9:01 pm.

Seconded by Lauren Lynch.

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

List of documents reviewed

Septic Plan of 82 Blueberry Lane

Respectfully submitted as approved at the 9/8/21 meeting.

Brian Colleran



