

HAMILTON CONSERVATION COMMISSION

MINUTES OF MEETING

August 19, 2021

Zoom ID 89036133414

Passcode 047803

2021 SEP -9 PH 4: 32

Members Present: Virginia Cookson, Chris Currier, Lauren Lynch (Chairman), and George Tarr.

Coordinator: Brian Colleran

Others present: Paul Johnson (Appaloosa Lane), Gordon Rogerson (Hayes Engineering)

This meeting was called to order at 7:03 pm.

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

Announcements

Minutes

To be discussed at the next meeting.

Public Hearings

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.

Brian Colleran provided an overview of the project, and the meeting. This single issue meeting outside of the normal calendar of meetings was agreed to by a vote at the Conservation Commission meeting of 8/11/2021, due to a need for further information, abiding by the regulatory process, and to speedily complete the review process. Mr. Johnson is building a house on a lot behind his lot. The house construction was outside of the jurisdictional area, however, access to the construction site passed through a wetland on an existing farm road. Mr. Johnson wanted to ensure that he provided mitigation from the construction of the new house. The farm road was approximately 300-400 feet in length. Mr. Johnson had previously installed erosion control to prevent sediment from eroding into the resource area. Mr. Colleran has not confirmed the installation of erosion control.

Mr. Johnson said he had previously installed 300 feet of hay bales for erosion control. Gordon Rogerson (Hayes Engineering) was present to represent Paul Johnson and described the location of the bordering vegetative wetland. The foundation of the new home was outside of the bordering vegetative wetland.

Mr. Rogerson said the applicant was requesting permission to install underground utilities out to Appaloosa Lane. Mr. Colleran interjected that the installation of utilities would be through the Notice of Intent process. Lauren Lynch said that the current Request for Determination of Applicability (RDA) was only relevant to the construction of the house. Utilities would be reviewed separately due to a pre-existing and potentially illegal filling of wetland areas in the vicinity, and the utilities installation would have to pass through the filled wetland and/or its buffer. Mr. Rogerson agreed to file Notice of Intent to have the Commission review the installation of utilities, allowing Mr. Johnson to construct the house and install the septic system before winter. The extension of the water main and other utilities to Appaloosa Lane would be part of the future filing. Members discussed the timing of the filing of the Notice of Intent and agreed on the 22nd of September.

Members discussed the filled wetland. Mr. Colleran explained that the road from the house to Appaloosa Lane traversed a wetland that had been mapped by DEP but was no longer on site. Mr. Johnson recalls that filling the wetland had been done at the direction of the Mosquito Control Board. The work was not Permitted. It is possible that the developers of Appaloosa Lane had a wetland delineation completed when the subdivision was constructed, which would determine the location of the missing wetlands. Mr. Colleran said wetland mapping could be found in the GIS layers, which Mr. Rogerson believed to be inaccurate. Mr. Colleran wondered how DEP would respond and what they would direct the commission to do.

In response to the question raised by Chris Currier, the applicant responded that it was a gravel road in good condition. Mr. Johnson had no plans of paving the road. Mr. Johnson said the duration of time he would be using the access road would be 6-8 weeks.

Motion made by Ms. Cookson to “issue a motion for Appaloosa Lane Lot 7 for the RDA to use the existing hard pack road from Mr. Johnson’s house farm lot to this adjacent lot to access the existing concrete foundation in order to finish building the new house. It would be a negative determination under the Wetland Protection Act and the local Bylaw.”

Seconded by George Tarr.

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

Adjournment

Motion made by Virginia Cookson to adjourn at 7:31 pm.

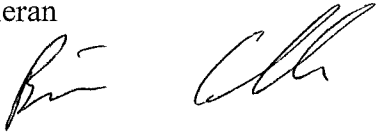
Seconded by Chris Currier.

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

List of documents reviewed

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

Brian Colleran

Handwritten signature of Brian Colleran, consisting of two distinct cursive initials.

