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HAMILTON CONSERVATION COMMISSION

MINUTES OF MEETING

March 10, 2021 at 7 p.m.

Virtual Zoom Meeting ID: 812 3469 4097

Passcode: 114491

Members Present: Richard Luongo (Chairman), Virginia Cookson, Chris Currier, George Tarr, Lauren Lynch

Coordinator: Bert Comins

Others Present: Greg Hochmuth – William & Sparages, Larry Smith - Canter Brook Capital, LLC, Marc Johnson, President – Patton Homestead, Inc., Attorney Joan Mann, and Attorney Deborah Ellison

A quorum was established and the meeting was called to order.

Vote minutes: 2/24/2021

Motion made by George Tarr to accept the minutes of February 24, 2021.

Seconded by Lauren Lynch.

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

Unanimous in favor of voting members.

Public Hearings

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

Prior to the meeting, Mr. Comins sent the Commission 3 proposals for delineation peer review which would commence as soon after April 15th as possible. Mr. Comins explained that Bylaw regulations state that it was up to the Commission to choose one that was qualified and did not have a conflict of interest.

Greg Hochmuth of William & Sparages represented the applicant and wanted to disclose to the Commission that he sat on the MACC Board of Directors with Matt Schweisberg.

Members agreed that they had a good past working relationship with DeRosa Environmental Consulting and would like to work with them on this project.

Motion made by Chris Currier to select Michael DeRosa to perform the services with respect to the ANRAD.

Seconded by George Tarr.

Roll Call Vote: Richard Luongo – aye, Virginia Cookson – aye, Chris Currier – aye, and George Tarr – aye. (Note: Lauren Lynch was a newly appointed member after the 133 Essex Street public hearing opened so was not able to vote on this particular hearing.)

Unanimous in favor of voting members.

Mr. Hochmuth asked the Commission if he could contact Michael DeRosa directly in the interest of looking for vernal pools before April 15th. Ms. Cookson commented that the Big Night timeframe might be different this year due to warmer temperatures and all members agreed that ideally vernal pool delineation should be done before April 15th. Mr. Hochmuth agreed to attach Mr. Comins to all correspondence with Mr. DeRosa.

Deborah Ellison of Ellison Law Office, 63 Middle Street, Gloucester, Massachusetts represented Kent Wosepka who is one of the abutters and requested that Wetland Specialist, Mary Rimmer be included in the site review. Ms. Ellison requested that the process be open and transparent for the neighbors as it was an environmentally sensitive property.

Joan Mann replied that on behalf of Chebacco Investment LLC, third parties would not be invited on the site walk because the more people involved, the more confusing the process would become but that they would share the information with Ms. Rimmer once it was obtained.

The question of who had the jurisdiction to make the decision, the Commission or the private property applicant as to whether the third party, Ms. Rimmer would be allowed on the site walk was discussed. It was decided that Mr. Comins would contact Hamilton's legal representative to weigh in on the topic and that the discussion would be postponed until the next meeting on March 24, 2021.

In the meantime, it was agreed that Mr. Hochmuth will continue to monitor the site and if the timing looked favorable for the site walk, he would reach out to Mr. Comins to set up a time with Mr. DeRosa and Commissioner Cookson to do so.

Discussions

- Request for Certificate of Compliance, 458 Chebacco Road DEP File#172-48

Mr. Comins reported that the order of conditions was originally issued in 1982 for a septic system at 458 Chebacco Road. The applicant submitted a letter from an engineer stating that everything was done in substantial compliance with the certificate and Mr. Comins agreed that it was compliant.

Motion made by Virginia Cookson to issue a Certificate of Compliance for 458 Chebacco Road.

Seconded by George Tarr.

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

Unanimous in favor of voting members.

- Patton Homestead Conservation Restriction

Mr. Luongo reported that a meeting with Town Manager, Joseph Domelowicz regarding the Patton Homestead Conservation restriction is scheduled for next week.

Mr. Tarr explained that the meeting would take place after the warrant was finalized for the town meeting so the timing for the meeting was not favorable for the conservation restriction. The suggestion was to put the conservation restriction on the warrant which needed to be submitted in the next 2 days and then if a different decision was made as a result of the meeting, the proposed restriction would be removed from the warrant. The restriction would be on all of the remaining open space referred to as the Patton Homestead property that the Conservation Commission did not deem as adequately protected.

Marc Johnson expressed concern that the requested conservation restriction was not clearly written and that a map was not created to describe exactly where the restriction would be. Mr. Johnson further commented that a restriction would conflict with events that took place at the Patton Homestead that would benefit the town. Mr. Tarr explained that none of that would change with a conservation restriction. Further concerns about taking care of the property were expressed because permission from the commission was needed for upkeep of the property. Mr. Johnson expressed a desire for the Conservation Commission to work with the town to come up with a Memorandum of Understanding to encourage clarity of exactly what the purpose of the conservation restriction was. Mr. Johnson would like to get a copy of what was proposed and will speak to the town manager about making sure the steps are followed properly.

Board members agreed that a conservation restriction is the best way for the Conservation Commission to achieve its goals at the Patton Homestead. Mr. Luongo added that the meeting with the Town Manager next week would indicate exactly what the town would like to do in terms of a conservation restriction.

- Other business

Mr. Comins sent out an email prior to the meeting with regard to the MACC annual conference and asked members to let him know if anyone wanted to take any of the courses that were listed.

Ms. Cookson expressed a desire to join the meeting with Town Manager next week and Mr. Comins agreed to check with Mr. Domelowicz and report back.

Adjournment

Motion made by Virginia Cookson to adjourn.


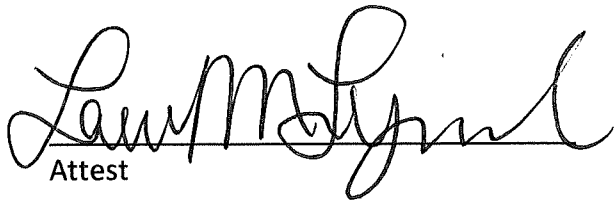
Seconded by George Tarr.

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

Unanimous in favor of voting members.

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

Prepared by:


Ann Schlecht 3/15/2021  Attest