



Pursuant to the Open Meeting Law, MGL Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Hamilton Conservation Commission was posted for August 9, 2023 at 7PM on Zoom. This meeting was recorded.

Conservation Commission Members: Sandy Coddling, Virginia Cookson, Kathy Simons, Deb Thompson (Acting Chair), Lauren Lynch, and Lee McCoy.

**Call the meeting to order:** *With a quorum present, Acting Chair Thompson called the meeting to order at 7:04 PM, identified the meeting as being recorded and those present: K. Simons, D. Thompson, V. Cookson, S. Coddling, L. McCoy.*

Others present: Conservation Commission Coordinator Brian Colleran, and others as noted in the minutes.

**Minutes** - None

**Public Hearings** - None

### Discussions

- **Review of Language regarding Electronic Signatures** - *Discussion*

The Registry of Deeds will take electronic signatures if the specific language is inserted into each permit this will be used for. Other municipalities are utilizing this opportunity, but it is unknown how long the registry will continue to allow electronic signatures.

Attorney Barry Fogel spoke on the authorization of this state statute. The intent to vote on the statute must be placed on the agenda for a duly noticed meeting in compliance with Open Meeting Law. After such notice is given a motion must be made to accept the provisions of the law, and a Certificate of the vote must be prepared. The Certificate must be signed, notarized, and certified by the Town Clerk and recorded at the Registry of Deeds. The vote on electronic signatures will be moved to the next meeting in compliance with Open Meeting Law and listed on the agenda.

- **OOO Extension Request, 133 Essex Street, Mass DEP file#172-0629** - *Discussion & Vote*

Greg Hochmuth, Wetlands Scientist with Epsilon Associates, spoke representing the project and was accompanied by Attorney Don Borenstein and Larry Smith of Chebacco Capital Partners. A notice of intent was filed in August 2021 and an Order of Conditions was issued in February 2022. There have been several appeals on the project, including a current planning board appeal, which have prevented any work from being completed at this time. A Superseding Order of Conditions issued by the Department of Environmental Protection (DEP) is due to expire in August of 2025. They are requesting to extend the expiration of the Bylaw Order of Conditions to August of 2025 to align with the Superseding Order of Conditions issued by the DEP. There are no changes to the project proposal. Extension of this permit would allow the applicant to continue this OOC under the old bylaws.

**Vote:** *The Board voted 3-1-1 to list the extension request as currently written for OOC Extension Request, 133 Essex Street, Mass DEP file#172-0629 on the meeting agenda of the next meeting on September 13, 2023 for a vote.*

- **Letter from Heather Ensworth regarding Chebacco Road project** - *Discussion*

The Commissioners received a letter from resident Heather Ensworth, who expressed concerns regarding the marked trees to be removed as part of the project. This area is within the DPW's right of way, which grants them certain rights to do work in their right of way for public safety. The plan sets for this project show the trees to be removed. There are plans to do some revegetation of the area. The commission does not see a reason that would allow them to reopen and investigate this permit.

- **Regulatory Update on Conservation By-Law** - *Discussion*

Brian Colleran has been working on refining the wording and legal terminology on the first three sections of the regulations of the by-law. The rest of the regulations need to be reviewed and updated to correlate with the updated by-law. The board will review the already updated sections and discuss any proposed modifications at the next meeting.

- **Informal discussion regarding owner plans for 951 Highland Street**

Barry Fogel of Keegan Werlin LLP spoke on behalf of Will and Maryann Friend. DeRosa Environmental completed a delineation of the river bank of the Ipswich River near the property. The mill building on the property is in a state of disrepair. The owners would like to remediate asbestos in the building prior to demolishing the building, which would not impact the surrounding area. The owners would like to confirm there is no requirement for notification to the Conservation Commission of the planned asbestos abatement. They are also planning to prepare a Request for Determination of Acceptability (RDA) or a Notice of Intent for the demolition of the building. It will include the wetland delineation. All of the equipment would remain on the paved area for the demolition, so no vegetation removal or excavation would be necessary. The septic tank and pump chamber would be closed out in accordance with Board of Health regulations. The paved area closest to the building would be removed afterwards and revegetated.

**Conservation Office: Miscellaneous Updates**

- Reviewed letter from William Shield referring to PFA's written by the Conservation Commission
- Extension issued for 435 Bay Road
- Extension issued for 57 Miles River Road
- Certificate of Compliance issued for 139 Cutler Road
- Certificate of Compliance issued for 145 Cutler Road
- Site walk completed by Kathy Simons, Deb Thompson & Virginia Cookson for 155 Woodland Mead owned by Daniel Caselden. It was reported that a trench was being dug and a temporary access road was being built. The plan was reviewed and the trench was on the plan but had not been included on the request for determination. A few small areas of erosion control failure were found and requested they be fixed. The conclusion was that the information was included on the plan but missing on the filing, and therefore the site walk was unnecessary. If there is anything additional for that site it will need to be on a separate filing.
- The Conservation Commission Office is moving to the Patton Homestead.
- Enforcement order being issued for Bridge Street project for significant sediment runoff into the river.
- The commission will continue meeting twice per month due to regulatory requirements.

**Adjournment** – *The Board voted unanimously to adjourn at 9:40 pm*

*Respectfully submitted by*

*Kristin Byrne,*

*Recording Secretary*

*8.25.23*

*The minutes were prepared from video.*

Respectfully submitted as approved at October 25, 2023 meeting - Kathy Simons, Vice Chair