



Town of Hamilton

Conservation Commission

Meeting Minutes of September 13, 2023

Town Hall, 577 Bay Road

Pursuant to the Open Meeting Law, MGL Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Commissioners, a meeting of the Hamilton Conservation Commission was posted for June 28, 2023 at 7:11PM via Zoom. *This meeting was recorded.* Commissioners: Sandy Coddington, Virginia Cookson, Kathy Simons, Deb Thompson, Lauren Lynch, Lee McCoy.

Call the meeting to order: *With a quorum present Vice-Chair, Simons called the meeting to order at 7:01 PM, identified the meeting was being recorded and those present: K. Simons, Vice-Chair; V. Cookson; L. Lynch, Chair, S. Coddington, L. McCoy. Not present: D. Thompson. Others present: Brian Colleran, former Conservation Coordinator, Patrick Reffett, Director of Planning and Inspectional Services.*

Minutes: June 28, 2023

Vote: The minutes will be re-voted at the next meeting due to not enough members who were present at the 6/28 meeting were there to vote.

Public Hearings: None

Requests:

- **Certificate of Compliance: DeRosa Environmental Consulting – DEP 172-0592, Foote Brothers, Willowdale Mill Reservation (Map 2, Lot 1)**

Evin Guvendiren of DeRosa Environment Consulting reported that the order of conditions was issued in 2017 and there was a 3-year extension in 2020. The only work that actually took place was the replacement of the timber spillway at the dam, most of which is in Ipswich. They are working on design of a new fish ladder and will submit that separately.

Vote: The Commissioners voted unanimously by roll call to issue a certificate of compliance for DEP 172-0592, Foote Brothers, Willowdale Mill Reservation.

Vote: The Commissioners voted unanimously by roll call to include the August 23, 2023 letter from DeRosa Environmental Consulting in the certificate.

- **Certificate of Compliance: 183 Linden Street (Map 55, Lot 117)**

V. Cookson reported that she viewed the site, which was an upgrade to a septic system, and the revegetation was well done.

Vote: The Commissioners voted unanimously by roll call to issue a certificate of compliance for 183 Linden St, map 55, Lot 117.

- **Emergency Certification: Removal of 4 trees at 156 Gregory Island Road (Map 60, Lot 56)**

V. Cookson conducted a site visit and looked at the trees in question. To her view it did not appear to be an emergency, she viewed two dead trees that appeared that they would fall towards the water and not endanger anything. A letter from Iron Tree service regarding the property noted that there are four Maple trees that need to be removed. V. Cookson noted she is comfortable with the two trees being removed, but would want to return to view the other two trees. There was discussion of leaving the trees in the resource areas once they are removed, it was noted the homeowner would likely not be amenable to this. V. Cookson and L. McCoy will return for another site visit coordinated with the homeowner to view all four trees in question. The Commission is not convinced it is necessary to remove all four trees from the property once they are felled.

Vote: The Commissioners voted unanimously to approve a contingent emergency order pending a site visit by two Commissioners and their final approval of removal of these four trees.

Enforcement Orders:

- **161 Bridge Street (58-6-53) – issued March 14, 2023, erosion and sedimentation (lot 6)**
- **181 Bridge Street (58-8-53) – issued March 14, 2023, erosion and sedimentation (lot 8)**
- **185 Bridge Street (58-9-53) – issued March 14, 2023, erosion and sedimentation (lot 9)**

Mark Arnold with Goddard Consulting noted that he will speak to Lots 6,7,8, and 9, and displayed a map of the lots showing the items being worked on. He discussed all of the work that needs to be done, some examples of which are: replacing rip-rap for the roadside swale, pavement extensions to prevent trucks from disturbing the land and tracking mud off the site, creating temporary basins and spillway to the swale, and creating upgradient swales to divert water around the construction site. The goal is to capture clean water, divert it, and discharge clean water lower down at the bottom of the hill. He noted there has

already been a significant sediment deposit in the wetlands from the site. There needs to be a site walk together with B. Collieran to fully review the wetland site and determine what needs to be done. John Murphy, the developer of the site, noted that they will not be building on lot 7 until the other lots are done and all the stormwater controls are in place. He noted he feels awful about what has transpired here and will do whatever he can do to expedite the finished project, which is the surest way to correct the problems happening. He has asked Mark Arnold to be present at the site each week to help oversee the progress. B. Collieran discussed that the Town has recently hired a hydrologist through the Planning Board, as water issues are within their purview. His focus will be evaluating existing conditions undertaking site review and generating recommendations in consultation with Town Boards and abutters. It was noted that enforcement orders can be modified as needed since it is the purview of the Commission to notify property owners of what issues need to be addressed. P. Reffett noted that the hiring of the hydrologist does not change the mandate or purview of the Conservation Commission, he is hired to assist the Town and be helpful to the boards. M. Arnold spoke about the removal of fill at the top of the site and how it would help to trap sediment. The Commissioners requested that Bob Puff, the hydrologist be consulted on this aspect of the plan to make sure the plan is adequate and will be effective.

- **26 Appaloosa Lane (Map 60, Lot 121) – issued August 21, 2023, removal of trees in a resource area**
- **30 Appaloosa Lane (Map 60, Lot 120) - issued August 21, 2023, removal of trees in a resource area**

The Town received some complaints about tree work on these lots, which are adjacent. One of these enforcement orders is a non-issue, the property was visited by V. Cookson. B. Collieran suggested that the Commissioners conduct a site visit or at least look at the other property, and attempt to contact the property owner.

Discussions:

- **Conservation Office: Misc. Update**

P. Reffett noted that there was a healthy response to the job posting of the part-time Conservation Agent, and the Town has entered an agreement with Manchester-by-the-Sea to share an Agent, so that the position can be full-time. There are two or three applicants to be interviewed by town management.

- **9/12/23 - Consider the Application of Michael Stoltzfus**

M. Stoltzfus introduced himself, and described his background including that he is completing his re-certification as a wetland scientist, and that he has been working in environmental consulting for 25+ years. He looks forward to engaging with the Conservation Commission and bringing his skills and work experience to bear.

***Vote:** The Commissioners voted unanimously by roll call to recommend to the Select Board to appoint Mike Stoltzfus to the Conservation Commission.*

- **OOE Extension Request, 133 Essex Street, Mass DEP file#172-0629 – WITHDRAWN**

The request was withdrawn, and it was noted that the homeowner would need to ask for an extension before it expires.

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

The new by-law absorbed much of the language that had formerly been in the regulations. B. Collieran believes the new bylaw needs new regulations, and he has been building out regulations to amend and edit it to reflect the bylaw on hand. There are 6 or 7 sections where he has pulled together language from elsewhere in the state and he needs feedback from the Commissioners in order to finalize the language. V. Cookson believes the bylaw is not really new, it is just a cleaned-up version of the old bylaw, and that therefore the regulations do not need to be changed. K. Simons clarified that the Commission took language from the regulations and inserted it into the bylaw, so the bylaw is significantly changed, but not changed from the the prior regulations. L. Lynch recommended that since there is disagreement within the Commission, the Commissioners, and particularly the two new members take a look at it and offer their opinions. B. Collieran noted that while there is not a rush on this project, over time it becomes a problem as new projects come before the Commission before the regulations have been updated, as the bylaws are the “what” and the regulations are the “how”. V. Cookson again noted her disagreement with the process and changing the regulations, noting that it will result in overcomplicating what residents need to understand.

- **Conservation Commission booth at HW Local Fall Festival on September 17, 12-5 pm**

The Conservation Commission will share a booth with the Hamilton Environmental Impact Committee, K. Simons encouraged people to stop by the booth, and highlighted a few flyers and informational packets.

- **The next Conservation Commission meeting is currently scheduled for September 27, 2023**

Adjournment – *The Commissioners voted by roll call to adjourn at 9:56pm.*

Respectfully produced by D. Pierotti, Recording Secretary, 2.11.24.

The minutes were prepared from video.

*Respectfully submitted as Approved at meeting of February 14, 2024 by K. Simons,
Hamilton Conservation Commission Vice Chair, on May 22, 2024*