



**Town of Hamilton
Conservation Commission**

Meeting Minutes of March 27, 2024
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 March 27, 2024 at 7PM via Zoom. *This meeting was recorded.* Commissioners: Sandy Coddling, Virginia Cookson, Kathy Simons, Lee McCoy, Mike Stoltzfus.

Call the meeting to order: *With a quorum present Chair McCoy called the meeting to order at 7:04 PM, identified the meeting as being recorded and those present: L. McCoy, Chair; K. Simons, Vice- Chair; V. Cookson; M. Stoltzfus. Not present: Sandy Coddling. Others present: Kristan Farr, Conservation Commission Coordinator; and others as noted in the minutes.*

Minutes: None for review.

Public Hearings:

- **20 Morris Avenue (Map 37, Lots 46 and 41) – replacement of a septic system**

Rick Clark spoke as the designer of the septic system for this property at 20 Morris Avenue (an Asbury Grove site). He noted the wetlands were flagged and currently the plan has the septic sited 85 feet from the wetlands. The site plan was displayed showing the design. R. Clark state there was only one option of where to put the septic system, and that there are three trenches planned. The existing septic is a cesspool that is closer to the wetland than the proposed system. In planning the system, they also had to stay away from the gas line, water line, and neighboring septic system. R. Clark noted they are trying to get approval before doing any work or preparation in terms of land clearance, but they already have approval from the Board of Health. The commissioners asked questions about the erosion control systems (hay bales and silk fence), placement of various site elements, and tree removal.

Vote: *The Commissioners voted unanimously by roll call to issue a determination on an upgraded septic system and erosion controls for 20 Morris Avenue as presented, and noted that the erosion control is adequate for the proposed work.*

Request for Extension:

- **135 Bridge Street (Lot 4) (Map 58, Lot 4-53) DEP File #172-641**
- **155 Bridge Street (Lot 5) (Map 58, Lot 5-53) DEP File #172-640**

Brian Jones of Allen & Major Associates said that they were issued an order of conditions a year ago. They have started some work, submitted the invasive species management plan and started on that work. They are asking for an extension on the local permit, ideally for two years to sync it up with the Wetlands Protection Act approval. M. Stoltzfus noted the significant difficulty the Commission has had with the adjacent lots and noted that the Commission has the option to deny a request for extension based on new information that might not have been covered adequately by the previous order of conditions. He questioned how development of these sites is going to proceed in a different manner than what has been happening on the other sites. K. Simons noted the new Stormwater regulations put in place by the Planning Board would mean much more rigorous review of this site plan if it was being submitted now. The property owner John Murphy, noted that the plan is to do these lots differently, and that the drainage, stormwater, and retaining walls would be the first things to be put in place. M. Stoltzfus requested that in writing in a formalized plan, as he noted the deficiencies around construction stormwater management on the other lots. He explained some of the details he would expect to see. There was discussion around dates of applications and whether the permit is actually expired. K. Farr noted that the request to extend just has to be submitted prior to the expiration date. Chair McCoy summarized that that Commissioners would like to avoid the same situation occur on these lots as has occurred on the other lots and they want to have a plan in place to prevent that. J. Murphy noted that he wants that even more than the Commissioners, and that he plans to minimize the disturbance to the sites as much as possible. He noted that he has hired Goddard consulting to oversee the stormwater management. He is happy to put something in writing to attest to the plan as described. M. Stoltzfus recommended receiving that plan before issuing the extension, and recommended instead issuing a continuance. Owen Kramer from Goddard consulting noted that they would prepare a NIPD SWIP document for lots 4 and 5, indicating how they will prevent pollution and manage stormwater on the sites, including a narrative outlining the construction sequence and erosion controls sequencing. Discussion followed regarding the size of disturbance on the lots, with the developer indicating that the disturbance was well under an acre per lot. O. Kramer noted they would aim to have the requested documents ready prior to the April 10 meeting, but if not, they will notify the Commission that they need more time.

Vote: *The Commissioners voted unanimously by roll call to continue this item with the applicant's permission.*

Enforcement Orders:

- **37 Knowlton Street (Map 65, Lot 47) - issued September 13, 2023, dumping of soil, vegetation waste**

K. Farr conducted a site visit on the 13th, and reviewed the files and DeRosa report from 2007 at Town Hall. DeRosa did a restoration plan, and had truckloads of fill pulled out as part of the restoration. She noted the wetlands looked healthy. She described the site and what materials were found there. She noted there is a shed area where lawn mowers are stored, and she advised the homeowner that the Commission may be concerned with fuel leakage. She described where gravel has been placed, as well as parking spaces. The Commissioners expressed a number of concerns over the reported conditions and requested that another site visit be done, with Chair McCoy in attendance. Chair McCoy requested a copy of the materials from the file prior to the site visit.

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

K. Simons reported that after the rainstorm on Saturday she drove past the lots the following morning and noted water running down Lot 9 and crossing the parking lot of Gordon Conwell, and that the erosion controls appeared to be in poor condition. She took pictures of the water flow that was heavily silted and very cloudy. She passed her observations to M. Stolfus and he wrote the report. M. Stolfus displayed a map he created showing what is occurring on the site. K. Simons noted she did not see water flowing on any other lots, that it was all coming from Lot 9. She noted the consultants' most recent report from the previous week, and that there were no findings noted, and yet, a few days later in a rainstorm event there was a violation. She questioned why the report failed to capture a concern that might have prevented the problem. O. Kramer expressed that lot 9 is very close to being in compliance, but the tubing used to manage the water flow had holes in it, which they noted in their report. There was not enough time before the storm to correct the situation, but he believes it has now been rectified. Chair McCoy noted that there is an updated enforcement order that will be sent out, it will require certification by an erosion control specialist and that controls are adequate before work can continue on those lots. Some lots will be able to get certification quickly, but the focus needs to be on accomplishing the erosion control work to prevent these situations from happening over and over again. K. Simons noted that they notified Dan that a ticket will be written up based on the recent violation.

Turning their attention to the enforcement order, the Commissioners discussed whether the new enforcement order supersedes and or negates the prior one. There was agreement to include all relevant points in the updated order. The old enforcement order includes the ability for the Commission to approach the Select Board to ask them to take legal action. Discussion continued around the specifics of what can be fined and/or ticketed, and attempts to clarify how fines are assessed and applied. The edited enforcement order will be sent to Town Counsel for review and correction before it is finalized. K. Simons noted a few more details of what will be included, with respect to the restoration plan specifically. O. Kramer advised that it would take at least a month to put together a solid restoration plan.

Chair McCoy summarized that the purpose of the updated enforcement order is largely to shift responsibility of whether erosion controls are sufficient away from the Commission and on to the property owners by requiring certification from erosion control specialists; and there is a requirement that it be updated every two weeks so that it ensures that erosion controls are sufficient at all stages of construction.

Vote: *The Commissioners voted unanimously by roll call to accept the updated enforcement order with the modifications from Kathy Simons, and to submit it for review by Town Counsel.*

- **26 Appaloosa Lane (Map 60, Lot 121) – reissued January 12, 2024, fill and removal of trees**

Dan Wells reported on the status of the 26 Appaloosa Lane enforcement order issued on January 12. He showed pictures of the site including some of the erosion controls and fill. He first wanted to have the fill removed to then assess what was underneath, which happened on February 26. He then flagged the wetlands and the restoration plan including trees and shrubs to be planted. He proposed to restore everything inside the 25 foot buffer, and the homeowners would like some lawn adjacent to the house. He included permanent markers to delineate the “no touch” zone where no activity would be allowed. Discussion continued around vegetation to be used, chemical use on the lawn, types of grass, and placement of the shed and/or patio. The restoration plan includes monitoring for two years. The Commissioners requested an updated restoration plan based on the discussion.

Discussions:

- **CPA funding for Town-wide phragmites removal**

There was brief discussion of the request from Gretel Clark about possible support from the Commission on a CPC proposal for phragmites removal. This will be updated when there is more information available.

Conservation Office: Miscellaneous Updates

- Chair McCoy asked for an update on 2 Beech Street, noting the NOI and RDA was due on March 14. K. Farr noted that was not done yet and that she was working to clear the backlog. Chair McCoy noted that it is significantly past the 21-day deadline, so it needs to be attended to.
- 133 Essex St extension: K. Farr noted that should be quick to complete.
- Superintendent Eric Tracy called to ask why Gale Associates had been asked to appear at a meeting of the Commission. She spoke to Town Counsel who advised that the order had been voted on and is final, and the Commission shouldn't be discussing anything to do with it outside of a public hearing. K. Simons noted the intent was to invite them to a discussion, but that it is their prerogative to refuse.
- 122 Gregory Island Road – M. Stolfus and K. Farr did a site visit. M. Stolfus noted that the patio work seemed to be fine, but advised the homeowner that removal of trees adjacent to a wetland would be problematic.
- K. Simons noted the status of the minutes and noted K. Farr was going to track things down. She reported spending hours on getting all the minutes and updating Catherine about status. K. Simons noted she made a list of what has been approved, and approved with minor edits and so forth, and none of them were being posted. She noted Kristan has been sending links to the videos and that they still have no minutes to approve. She asked Catherine to find out where the rub is and that it appears to be a more complicated process than it needs to be. Additionally, the Commission is seriously in violation of Open Meeting Law by not having any minutes posted since last June or July. She noted confusion on the files and the lack of minutes to refer back to, it leaves the Commission doing the work with one tied hand behind their back. She asked K. Farr to report on progress. She noted the need to clearly map the process.
- Chair McCoy noted that there are two vacancies on the Commission.
- Next meeting: April 10, 2024.

Adjournment – *The Commissioners voted unanimously by roll call to adjourn at 9:55pm*

*Respectfully submitted as Approved at meeting of May 8, 2024 by K. Simons,
Hamilton Conservation Commission Vice Chair, on May 8, 2024*