



## Town of Hamilton

### Conservation Commission

Meeting Minutes of December 13, 2023

Town Hall, 577 Bay Road

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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 December 13, 2023 at 7PM via Zoom. *This meeting was recorded.*

Commissioners: Sandy Coddling, Virginia Cookson, Kathy Simons, Lauren Lynch, Lee McCoy; Mike Stoltzfus.

**Call the meeting to order:** *With a quorum present Vice -Chair, Simons called the meeting to order at 7:05 PM, identified the meeting was being recorded and those present:* K. Simons, Vice-Chair; V. Cookson; L. McCoy; M. Stoltzfus. Not present: L. Lynch, S. Coddling. K. Simons noted that Deb Thompson resigned and Lauren Lynch effective as of this meeting. Also present: Kristan Farr, Conservation Commission Coordinator; and others as noted in the minutes.

**Minutes: None for review.**

#### Public Hearings:

- **2 Beech Street (Map 66, Lot 3) DEP #172-647-** replacement of two (2) porches, floating dock and ramp, reconstruction of an existing shed and associated landscaping (New)

Nicholas Betts, a landscape architect from Meridian Associates, displayed the site plan for 2 Beech St. Almost the entire property is within the buffer zone, so the changes are within the 100-foot buffer. Additionally, the entire back yard is within the 25-foot no-disturb zone. The homeowners are looking to improve the exterior, including a permeable patio, a fence behind a row of arborvitae, a slightly larger shed, and stabilizing and cleaning up the edge of the property at the water line, touching up the stones, and adding some plantings. They are also proposing a floating dock that would extend into Chebacco Lake. The lawn space in the back is very small, they are looking to keep it unobstructed. There was brief discussion about whose jurisdiction the dock would fall under, with N. Betts noting that they are looking into what permits may be required. The Commission has interest in the section of dock on the land, and where the concrete moorings attach to the lake bed. It was stated that this is a notice of intent; the Commission has to decide whether to approve or not, and whether to attach any special conditions.

M. Stoltzfus questioned all of the work being done in a no-disturb zone, and whether there are flood areas adjacent and whether that needs to be approved as well. N. Betts explained that the deck expansion in the front and side are very minor changes, and noted the adjacent flood zones next to the house, and because they are not proposing any grade changes, it is just replacement of an existing structures. He displayed photos of the site showing the existing conditions at the water line and in the yard. M. Stoltzfus noted most of the water line work looks like it could be hand-done, but any disturbance that creates a sediment plume in the water would need to be discussed with the Commission. N. Betts noted the controls that would be in place, and explained the plan for minimizing equipment needed on the site. There was discussion regarding the patio pavers, which is replacing pea stone, and the amount of permeability.

L. McCoy expressed his concern that so much work is being done in the no-disturb zone, and despite the fact that these are existing structures and landscape, it is still in the no-disturb zone. K. Simons further expressed that there doesn't seem to be a lot of focus on mitigating the effects of the work in a no-disturb zone. M. Stoltzfus stated his concern is primarily with the dock and the patio pavers, and that there seems to be a lot of disturbance in the no-disturb zone. N. Betts explained the patio excavation would be removed from the site, and the permeability would be essentially the same in that the water will go straight down. He opined that it would be less disturbance than maintaining a lawn, but the Commissioners disagreed. K. Farr pointed out that there is an old Order of Conditions that was never closed out, and asked the consultant to make a note of that.

The consultant N. Betts requested a continuance to the next meeting, January 10, to allow them to reconsider some portions of the notice of intent, in particular the paved area. M. Stoltzfus recommended pointing out specifically how the dock fits in within the parameters of the regulations. The Commissioners declined a site visit.

**Vote:** *The Commission voted unanimously by roll call to approve a continuance of the notice of intent to January 10.*

### **Request for Certificate of Compliance:**

- **160 Woodland Mead (Map 38, Lot 17) – DEP #172-199**

The homeowner, Rebecca Kucera, explained that she and her husband are selling their home and their lawyer found an outstanding order of compliance that was not found when they bought the house 27 years ago. The new owners want to make sure there will not be an issue with the order before they purchase the house. K. Farr visited the site and reported that the notice of intent was fairly straightforward and there was no evidence of any outstanding issues, she recommended signing off on the order and putting it to rest.

*Vote: The Commission voted unanimously by roll call to issue a certificate of compliance for 160 Woodland Mead.*

### **Enforcement Orders:**

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

No updates.

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

K. Farr reported that she met the previous week with the wetland scientist, the contractor, the homeowner and his daughter on the site visit. The wetland scientist had some flags at the base of the fill, she advised him to pull the sediment back to see more closely where the fill line is. She noted that there were bricks and concrete mixed in, and that it would all need to be removed. She also advised them that they need to determine the trees that they have removed. The enforcement order will specify that they need to remove the fill under the supervision of the wetland scientist, to identify the location of the original topsoil level. They will be given a deadline of the end of January to remove the fill and submit a restoration plan. The fines for illegal fill will be noted with the appropriate citation in the enforcement order.

*Vote: The Commission voted unanimously by roll call to require the landowner to remove the fill placed on his property down to the original topsoil layer and to report the quantity and size (diameter) of trees removed and to provide a restoration plan for any wetland area that was disturbed.*

- **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

Mark Arnold with Goddard Consulting and developer John Murphy (lots 2,3,4,6&7) were present for the discussion. M. Arnold explained the site visit that he did with K. Farr the previous day and that he showed her where the sediment was being removed by hand from three areas in an area previously designated as Area A. The gas company had cleared the brush along the pipeline which complicated the sediment removal somewhat, and obscured some of the area. He showed areas with pockets of sediment that were removed, and areas where sediment was raked and removed, they worked carefully to not disturb vegetation, and they recovered it with leaves. The sediment was deposited on lot 6 where it will be mixed with fill for the septic system. He walked through pictures of several of the lots, including 6, 7, 8 and 9 showing the current status of the work. He explained the system for capturing water with sediment through the swales. M. Stolfus noted the number of issues that he himself has witnessed on the sites where the erosion controls are not sufficiently being maintained or implemented, and noted the issues should have been resolved before now. It was noted that sediment has not been coming off of lots 6 & 7 since August. The current concern is that sediment is leaving lots 8 & 9. M. Arnold spoke about some of the specifics of keeping sediment under control and out of the catch basins, and also about the status of lots 8 and 9 and the work that is being done. M. Stolfus stated that reporting should be required after each rain event to report on the erosion and sedimentation controls and how effective they are. Reports will be issued separately by lot.

*Vote: The Commission voted unanimously by roll call to require stormwater inspection reporting from Mark Arnold of Goddard Consulting within three days after each significant rain event (defined as one-half inch) along with weekly reporting on the status of those issues identified in those reports and how those have been corrected. Deficiencies need to be addressed immediately, within 24 hours.*

### **Discussions:**

**Regulatory Update on Conservation By-Law** – No discussion needed at this time; the Commission will pick it up again in the new year.

### **Other: Vote to accept the provisions of MGL c.110G regarding electronic signatures**

*Vote: On December 13, 2023, the Hamilton Conservation Commission met in an open session through publicly accessible videophone conference pursuant to Chapter 20 of the acts of 2021 order suspending certain provisions of the Open Meeting Law, General Laws chapter 30A paragraph*

20, signed into law by Governor Charles D. Baker on March 12, 2020 and extended by House Act the provisions of the Open Meeting Law. At this duly held meeting, the following action was taken by the Hamilton Conservation Commission, motion by Lee McCoy, seconded by Mike Stolfus, that the Hamilton Conservation Commission hereby recognizes and accepts the provisions of MGL chapter 110G, uniform electronic transaction act, regarding electronic signatures and that we, the members of the Hamilton Conservation Commission will henceforth execute documents either with electronic signatures or with wet ink signatures, and that both will carry the same legal weight and effect. This applies to only those documents that the Hamilton Conservation Commission voted to issue and sign at a public meeting that is held remotely. The Commission voted unanimously by roll call to approve the motion.

**Conservation Office: Miscellaneous Updates**

- K. Simons noted that the absence of minutes is unacceptable and that there is nothing for the Commissioners to refer to, and that it interferes with the effective functioning of the Commission. She reported that they have not had minutes for months and months.
- Next meeting: January 10.

**Adjournment** – *The Commissioners voted unanimously by roll call to adjourn at 9:50pm*

*Respectfully submitted by  
D. Pierotti, Recording Secretary 5.5.24  
The minutes were prepared from video.*

Respectfully submitted as Approved at meeting of June 12, 2024, by K. Simons, Hamilton Conservation Commission Vice Chair, on June14, 2024