



**Town of Hamilton  
Conservation Commission**  
Meeting Minutes of February 14, 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 February 14, 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 7:01 PM, identified the meeting as being recorded and those present: L. McCoy, Chair; K. Simons, Vice- Chair; V. Cookson; Sandy Coddling. Not present: M. Stoltzfus. Others present: Kristan Farr, Conservation Commission Coordinator; and others as noted in the minutes.*

**Minutes: September 13, 2023; September 27, 2023; October 25, 2023; November 16, 2023**

- September 13 – K. Simons noted edits to the 9/13 minutes. Questions were raised about the June 28 minutes and if / when they were approved. There is a discrepancy in the information.

**Vote:** *The Commissioners voted unanimously by roll call to approve the September 13, 2023 minutes as edited.*

- September 27 – K. Simons noted edits to the 9/27 minutes including adding detail to certain sections and that 30 Appaloosa Lane was not discussed.

**Vote:** *The Commissioners voted unanimously by roll call to approve the September 27, 2023 minutes with corrections as noted.*

- October 25 - K. Simons noted the discussion regarding 26 Appaloosa Lane needed corrections. Chair McCoy advised that the minutes included a highlighted note from the recording secretary that the motion was unclear.

K. Farr said that she would look at the recording and help the recording secretary clarify the motion. ***The Commissioners will review the minutes again once that has been done.***

- November 16 – K. Simons noted some edits and there was an enforcement order missing from the minutes, for 37 Knowlton St.

**Vote:** *The Commissioners voted unanimously by roll call to approve the November 16, 2023 minutes with corrections as noted.*

**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. *This agenda item was continued to February 28<sup>th</sup>.*

- **2 Beech Street (Map 66, Lot 3) DEP #172-647-** reconstruct existing front and side steps and landing

K. Farr noted that this is an RDA and she should not have included the DEP file number. They need ConCom approval prior to submitting to the Zoning Board. Nicholas Betts displayed the site plan and briefly explained the plan. He noted where the dumpster would be placed during the removal of the stairs. K. Farr noted that the RDA requires a positive or negative determination of applicability. She recommended a negative determination of applicability #3, with conditions. The Commissioners noted the conditions should include erosion controls, ensuring vehicles are not polluting or leaking fuel, and invasive species controls including washing tires.

**Vote:** *The Commissioners voted unanimously by roll call to issue a negative order of determination with three conditions as discussed.*

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

*This agenda item was continued to March 13, at the request of the applicant.*

**Request for Extension:**

- **823 Bay Road (Map 32, Lot 16) – ecological restoration**

Evin Guvendiren, BS of DeRosa Environmental was present to request a three-year extension for their restoration Order of Conditions issued in March 2021, for woody invasive and phragmites control and amended in April 2021 to include phragmites removal at the adjacent parcel 861 Bay Road. Work on the removal of woody invasives and some phragmites has started and some native plantings have been installed. Because the phragmites are difficult to control and the owners would like more time to address this work. V. Cookson noted that the property backs up to the Miles River and the work they are doing is part of the restoration of the river. She noted they are actually getting something done, and that phragmites are very difficult to remove. A long-term maintenance plan was included in the order, mostly involving hand removal of new invasives.

**Vote:** *The Commissioners voted unanimously by roll call to extend the order of conditions for 823 Bay Road for the removal and management of invasives, under both the Bylaw and WPA.*

### Enforcement Orders:

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

K.Farr was not able to complete the site visit the previous week and asked if any Commissioners would like to join her the next day for a visit. The Commissioners agreed to an afternoon site visit at 3:30 on February 15, including V.Cookson, K.Simons and possibly Chair McCoy.

- **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. Farr stated she forwarded an EPA report to the Bridge Street property owners and a request for more information the property owners need to respond to. Chair McCoy noted his concerned that the Commission has taken on the responsibility of trying to make sure the action the owners have taken on these properties is adequate, but the Commissioners are not qualified to do this. He would like to reframe the approach in that it is not the Commission's responsibility but rather the property owners'. In amending the draft enforcement order he included very specific conditions that need to be met before work continues, including certification from a specialist before work resumes. The work needs to be certified by specialists in the field, and not by the Commission. It is recognized that things will come out of compliance as construction proceeds, and re-certification would be needed. K. Simons added that the date requirements should be specific, and questioned how fines would be applied. Chair McCoy noted that a stop work/no build status is the most effective leverage; he will draft language for the Commissioners to review. K. Simons added that she wants to require a restoration plan and/or mitigation or compensation plan with a due date; measurement of the amount of clearing that is occurring in lots 8 and 9; and evaluation of whether clean water is still flowing to the wetlands and the Miles River watershed on which the health of the river depends. There was some discussion around whose jurisdiction it is if there is disturbance of land exceeding one acre. The Commission reviewed a map of the site to view where the water is flowing. K. Simons noted that they can add clauses to require the prevention of pollution and the protection of previous clean storm water flow to feed the marsh. Chair McCoy will circulate the draft and asked the Commissioners to track changes when they review the draft.

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

K. Farr noted that the certified enforcement order was opened but not picked up from the Post Office and therefore was returned to the Commission. She also handed a paper copy to the contractor on site, and it was also uploaded to the building department site. She noted she and the Town Manager have been in touch with Bruce Tarr's office, as the property owner had contacted the Senator's office. She would like to visit the site to view the progress, and noted the owner had started to remove some of the fill. K. Simons stressed the importance of having a case file with all the documentation of the case. The owner was requested to attend this meeting as well as the prior meeting, but has not appeared before the Commission. K.Farr read some of the conditions that were included in the order. Chair McCoy noted they have a report due by the end of February. K. Farr confirmed they have not submitted a site plan to the building department either. It was noted that the restoration plan has to explain what is there first in terms of wetlands and how much land has been disturbed before the plan can be formulated. K. Farr will call KP Law the next day to see if they can do anything to move the process along. K. Simons noted the Commission can require them to hire a third party overseer if the Commission feels it is necessary to keep the project moving. Chair McCoy recommended sending a courtesy notice that they are not in compliance and that consequences are coming if they do not comply.

### Discussions:

- **Athletic Field Improvement Project – Anne Gero**

Resident Anne Gero, Bay Road, said she has spoken to K. Farr about her two areas of concern regarding the proposed HW High School Athletic Field project, including the lighting plan and the infill. She believes the lighting plan is inconsistent with the order of conditions (OOC) because of the lighting all around the softball field. K. Simons noted the fields project came to the Commission in two different proposals. The softball fields and tennis courts were in the second proposal and the OOC is more stringent than the original proposal.; this area is right up on the banks of the wetlands. A. Gero noted the lighting plans presented to the Planning Board showed lights all around the softball field, which seemed to be in violation of the Commission's OOC. K. Simons said she spoke to Tom Geary of the School District and that it could be difficult to undo lighting if it is not consistent with the OOC. K. Farr said she spoke to the Department of Environmental Protection about the lighting issue and they explained that they get asked that question a lot, but that the Wetland Protection Act (WPA) is designed to protect habitat, and not specifically animals and insects. Discussion continued around the lighting plan in the OOC and to what extent it's actually enforceable given it is not required under the WPA. A. Gero stated that as an abutter she is prepared to try and enforce the OOC as written. S. Codding noted that if there is an expectation that the lighting not shine on the ground of the softball field, then this is not in line with what they approved. Discussion continued regarding the definition of

areas such as buffer zones and resource areas, and how the various areas are defined under the old vs. the new bylaw, and what is applicable.

- **Regulatory Update on Conservation By-Law.** -*This agenda item was passed over and not discussed.*

#### **Conservation Office: Miscellaneous Updates**

- Chair McCoy noted 26 and 30 Appaloosa Lane have been mentioned in the minutes as needing clarification, he asked whether 30 Appaloosa Lane had been cleared, V. Cookson noted that it had, but would check her notes to confirm.
- 951 Highland – Chair McCoy noted there appears to have been no change yet, and asked if there were any updates. There were none.
- K. Simons would like to follow-up on the issues raised by A. Gero and would like to ask for additional advice. K. Farr will reach out to the Gale Associates consultant.
- Chair McCoy registered for the MACC meeting and will submit for reimbursement. V. Cookson expressed interest in attending also.
- Next meeting: February 28, 2024.
- K. Simons asked whether K. Farr has access to Brian Colleran’s old files and she said she does, they agreed to discuss file organization and transfer later.

**Adjournment** – *The Commissioners voted unanimously by roll call to adjourn at 9:46pm*

*Respectfully submitted by D. Pierotti, Recording Secretary, 4.28.24*

*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 June 14, 2024