



Town of Hamilton
Conservation Commission
Meeting Minutes of May 22, 2024

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 May 22, 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 7:00 PM, identified the meeting was being recorded and those present: L. McCoy, Chair; K. Simons, Vice- Chair; V. Cookson; M. Stoltzfus, S. Coddling. Also present: Kristan Farr, Conservation Commission Coordinator; and others as noted in the minutes.*

Public Hearing/Notice of Intent:

- **196 Lake Drive, DEP File #172-648**

Chair McCoy reviewed the options to the Commission were to deny the application, request additional information and continue to another meeting, approve with standard order of conditions, or approve with additional order of conditions. Bill Manuell of Wetlands and Land Management presented the application for the applicants, Matt & Nancy Knott, also present. This is a septic repair where the access to the septic system is within the buffer zone, but the septic itself is outside the buffer zone. He described the features of the property and displayed a site map. The buffer zone encompasses the house, the leaching field is outside the buffer zone. The house needs work as a result of deferred maintenance from the previous owner. B.Manuell explained the planned work on the house, grounds, patio, shed, and driveway repaving all more than 50 feet from the wetlands and exempt from the wetlands protection act as accessory to a single family home. All work is in previously developed areas of the property. Access is needed to the back of the property for a mini excavator and bobcat machine to work on the leaching field; there is only one access point across the front & side lawn to get to the rear of the property. He described the mulch sock used for erosion control and recommended it be extended across the grass area when work is not being done to protect the wetland from potential sedimentation. The DEP had no questions on the proposed project.

The Commissioners each asked questions on the details of the project. It was noted that the application includes the wetland delineation. There was some discussion regarding what constitutes the standard order of conditions for the Commission. K.Farr will draft the order of conditions for this application for approval by the Commissioners.

Vote: *The Commissioners voted unanimously by roll call to close the public hearing on 196 Lake Drive.*

Vote: *The Commissioners voted unanimously by roll call to issue an order of conditions for DEP File #172-648, 196 Lake Drive, with boilerplate order of conditions, no special conditions added, that will be circulated and signed at the earliest convenience.*

➤ **Public comment: Richard Greene** expressed his frustration that issuing a certificate of compliance for his property was not on the agenda for this meeting. He explained that he had been calling and emailing K.Farr and was not getting responses. He has already closed on the sale of his house and the lawyers are holding money waiting for the certificate of compliance. Chair McCoy apologized and noted that because it is not on the agenda this evening the Commission is unable to vote on it. R.Greene requested an email from the Commission that he can send to his lawyers explaining that the certificate was not on the agenda this evening as was promised to him.

Enforcement Orders/Violations:

- **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**

Chair McCoy noted they are waiting for the enforcement orders to go out. K.Farr said that it would go out the following day. K.Simons asked about electronic signatures and whether they would see the final drafts. She was explicit that she is uncomfortable having documents go out with her signature that she hasn't seen. The Commissioners agreed that an electronic final draft would be circulated by email, and then K.Simons will then drive around to the Commissioners' houses to collect signatures on paper.

➤ **Public Comment: Eric Mimmo** of the Beech St Reservation group was present and asked if there were any questions or comments on the proposal that he explained at the previous meeting. Chair McCoy explained that he talked to the Town Planner, and the Commissioners will not discuss the project until legal authority to propose a project has been established. E.Mimmo will need to submit the required legal documents to the Town Manager or Town Planner, who will forward it to Hamilton Town Counsel, who will then advise the Commission on whether legal authority has been established and whether they can accept permit applications from the applicant. Until that happens, the Commission will not discuss plans for the Beech St property. However, he also clarified that the Beech St property is within the upland resource area and falls under the jurisdiction of the Commission. Any activities that violate the

Town of Hamilton bylaws will result in a violation notice and possibly enforcement orders and fines. E.Mimmo claimed that the authorization signed by Town Counsel was done in 2018 and is on his website. K.Simons noted that the information on the website is insufficient and reiterated that he will need to communicate with the Town Planner or Town Manager.

- **Minutes: July 12, 2023; December 13, 2023, February 14, 2024**

K.Simons noted that the Commissioners have not had sufficient time to review the meeting minutes. She noted the need for more lead time and a clearer process. There was confusion about where the meeting minutes are stored and how to access them. The Commissioners agreed to postpone the review of the minutes to the next meeting.

Conservation Office, Miscellaneous Updates:

- **2 Beech Street** – Chair McCoy questioned whether this property had come in for a COC. K.Farr will look into it.
- **Nate Olken-Alden and Jason Dittman** of Verdantas presented on behalf of the Ipswich River Watershed Association on the proposal for a Nature Like Fishway at Willowdale Dam. They explained the history and use of the dam and showed the spillway, and the existing fishway that is no longer effective. They explained the fish species and the need for better passage for fish migration. They presented the conceptual plan for the nature like fishway; they are still working on finalizing the specifics of the design. Next, they explained the geotechnical investigation that they need to do to understand the ecology and refine the plan. They are presenting to the Commission to determine if they need any approvals to start their investigation work, particularly the borings. The Commissioners noted that these are minor activities, however, the wetland delineations have not been done yet. M.Stolzfus stated that it would be better to get the wetland delineations done and return with a plan and an application showing what is going to be done where so that the Commission can fully evaluate it. It should be submitted as a request for determination under the Town bylaw, or a notice of intent, whichever is appropriate to the application. M.Stolzfus clarified that the activities could be exempt under the Wetland Protection Act, but that the Town bylaw is different, and it is not necessarily exempt under the bylaw. The presenters thanked the Commissioners for their input, and indicated they will look into this further.
- K.Farr updated the Commission that she and Chair McCoy met with Denise Kelly, a potential new Commission member. She sent a message to Town administration that they were fine with her as a candidate. It was noted that D.Kelly has a connection to the Beech Street Reservation group, and she had questioned whether that would be an issue. The Commissioners noted that she would need to recuse herself from discussions on that issue.
- Chair McCoy questioned whether anyone is interested in working on updating the regulations, possibly by looking at examples from other Towns. V.Cookson volunteered to lead the effort and start working on the project
- K.Simons asked to clarify the Bridge St Enforcement orders process, that K.Farr will email the three orders to the Commissioners the next day, including the letter and the form. Each Commissioner will need to communicate their approval to K.Farr and then electronic signatures will be applied to the documents.
- 186 Lake Drive needs the boilerplate order of conditions. K.Farr will draft and circulate for comment.
- K.Simons expressed frustration on the lack of recent minutes. K. Farr had no additional information.
- The next Conservation Commission meeting is currently scheduled for June 12, 2024.

Adjournment – *The Commissioners voted unanimously by roll call to adjourn at 9:12pm*

Respectfully submitted by D. Pierotti, Recording Secretary, 5.30.24. The minutes were prepared from video.

Respectfully submitted as Approved at July 24, 2024 meeting.

Kathy Simons, Vice Chair, Hamilton Conservation Commission

July 24, 2024