



**Town of Hamilton  
Conservation Commission**  
Meeting Minutes of June 12, 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 June 12, 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 7:03 PM, identified the meeting was being recorded and those present:* L. McCoy, Chair; K. Simons, Vice-Chair; M. Stoltzfus, S. Coddling. Not present: V. Cookson. Also present: Kristan Farr, Conservation Commission Coordinator; and others as noted in the minutes.

**Public Hearing/Notice of Intent:**

Chair McCoy opened the public hearing and explained that it is held in accordance with the MA Wetlands Protection Act and Town of Hamilton bylaws.

- **140 Lake Drive, DEP File #172-649**

Hazam Dani, the civil engineer for the project, displayed and explained the site plan for the single-family house addition at 140 Lake Drive. He identified there are two wetland areas on the lot that have been delineated. He identified there are some existing structures within the 100-foot buffer, such as a patio and playset, and part of the septic system. The homeowners are proposing an addition on the rear of the house, a driveway addition within the 100-foot buffer zone, and grading within the buffer zone to make a more level yard area. Also being proposed are rock retaining walls within the buffer zone to make the site more appealing. He described the erosion controls as a silt fence around the 25 foot no disturb zone, and that there would be no disturbance in that area. K.Simons noted that the proposed rock walls are within the buffer zone which is a resource area under the bylaws. S.Coddling asked about tree cover and vegetation and whether there are trees that will come down. The homeowner, Beshoy Hanini was present and stated the trees in the back are very small. K.Simons remarked that a site visit would be needed for the Commissioners to get a sense of the property and scope of the project. M.Stoltzfus asked if the areas were identified as a vernal pools, and H.Dani showed the report from the wetland scientist stating that it does not have a certified vernal pool. M.Stoltzfus noted however that it is identified by the state as a potential vernal pool, and even if it is not certified it is protected by the bylaws, and asked if the wetland scientist evaluated the vernal pool. The applicant will consult the wetland scientist. M.Stoltzfus further noted that the burden of proof is on the applicant to demonstrate that the AURA (adjacent upland resource area) will be protected and show that in the plans. K.Simons stated that using native plantings in the rock terrace area would be helpful as an example of a protective measure for the wildlife. It was noted that the septic system is pre-1995 and not Title V compliant.

**Vote:** *The Commissioners voted unanimously by roll call to continue the public hearing on 140 Lake Drive, DEP File#172-649 until the Commissioners can complete a site visit.*

**Request for Amendment:**

- **156 Gregory Island Road, DEP File #172-637**

Chair McCoy opened the public hearing for 156 Gregory Island Road at 7:35pm.

**Vote:** *The Commissioners voted unanimously by roll call to continue the public hearing for 156 Gregory Island Road, DEP File#172-637, owing to the fact that no one was there to present and discuss the proposal.*

**Request for Determination of Applicability:**

- **Highland Street, The Trustees of Reservations (TTOR)**

Chair McCoy opened the public hearing for Highland Street, The Trustees of Reservations at 7:38pm. Josh Hasenfus of TTOR explained that this is the Appleton Farms property and that they are trying to improve the parking areas. He noted the parking area off of Highland St is very unorganized and that TTOR plans to address the parking area this season, and also improve the accessibility of the trail from the parking area to the woodland trails. He showed the new parking area plan

superimposed over the existing lot, and noted that they are moving the lot slightly farther away from the resource area. Mike DeRosa did the wetland delineation for this project. K.Simons asked about disturbance to the area during construction and was told the work will be done late summer and it will be done within the existing area. S.Codding asked about the proposed apron entry and J.Hasenfus explained that they would like to do a paved apron into the parking area, which would be a type of ground stone dust. M.Stolzfus noted that the pathway is going to cross the AURA, and because there will be a disturbance, requires a permit as alteration of an AURA. He also noted the parking area is outside the AURA, and outside the Commission's jurisdiction. J.Hasenfus mentioned that it is a trail with a history of disturbance and K.Simons added the trail is old, and there have been all kinds of materials used there for the trail, and questioned whether it is truly alteration. The applicant understands the need for discussion, but hopes that a Notice of Intent is not necessary as it is costly and will deplete the funds available for the project. There was further discussion about the process, the regulations, and the specifics of the parking lot, as well as the erosion controls to be used.

**Vote:** *The Commissioners voted unanimously by roll call to issue a negative request for determination for The Trustees of Reservations, Highland Street, with conditions for the plan as presented to include a pre-construction meeting, reporting to the Commission seasonally, and including a resource protection strategy that is included in their plan, on the Highland Street parking lot on the Trustees property.*

Chair McCoy closed the hearing at 8:15PM.

- **35 Miles River Road, Anne Rosen, homeowner**

Chair McCoy opened the public hearing at 8:46PM; this is an invasive species management plan. Brian Colleran, Ecological Land Management LLC, explained that the application has to do with woody invasives along a waterway. Multiple property owners are noted as the boundaries are unclear and they will need to have conversations with the neighbors if necessary. B.Colleran showed a map with the property boundary lines, and pictures showing the woody invasives. They are considering herbicide spraying of the phragmites as it will result in less disturbance. The homeowner is committed to replacing vegetation with native species and restoring the ecosystem. B.Colleran described the difference between spraying herbicide relative to hand tagging each stem with herbicide, which is likely to cause more disturbance to the area.

**Vote:** *The Commissioners voted unanimously by roll call to issue a negative request for determination under item number 3 and 6 with condition of seasonal reporting and maintaining a record of chemical applications for 35 Miles River Road.*

Chair McCoy closed the public hearing at 9:18PM.

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

- **275 Echo Cove Road, DEP File #172-104**

Richard Green, the former homeowner, explained that the home was sold in April 2024, and the lawyer of the buyer said that there was a Wetlands Protection Act permit opened in 1986 and was never closed out. He contacted K.Farr and they filled out the certificate of compliance and she did a site visit to confirm that everything was fine.

**Vote:** *The Commissioners voted unanimously by roll call to issue a certificate of compliance for 275 Echo Cove Road.*

- **354 Highland Street/Canter Brook Estates, DEP File #172-603**

David Kelly, Meridian Associates, noted that they submitted for a Certificate of Compliance a few years ago, and it conditioned that once the area was allowed to grow back and vegetate, the certificate could be issued. He showed pictures of the site with the vegetation grown in, and based on that, they are requesting the certificate of compliance.

**Vote:** *The Commissioners voted unanimously by roll call to issue a certificate of compliance for 354 Highland Street, Canter Brook Estates, DEP File #172-603.*

### **Enforcement Orders/Violations:**

- **161 Bridge Street (58-6-53) – issued March 14, 2023, reissued**
- **2. 181 Bridge Street (58-8-53) – issued March 14, 2023, reissued**
- **3. 185 Bridge Street (58-9-53) – issued March 14, 2023, reissued**

There was discussion about whether one of the property owners had received the latest enforcement order and how they might try to reach him. Chair McCoy noted that there were actions required in the enforcement orders, and that it has been

long enough for those actions to have been taken. He asked K.Farr to follow up with a site visit to verify if those actions had been taken yet.

**Public Comment (3 minutes on topics not already on the agenda)**

- **Eric Mimmo, Beech Street Reservation**, explained that he contacted the Town Manager about reaching out to Town Counsel about the legal authority for the Beech St property, and asked if the Commission had heard from the Town Manager. Chair McCoy noted that they had not heard anything yet, and would have to wait for that before hearing any proposals about the property.

- **Review of Minutes:**

**2023: July 12, 2023; December 13, 2024**

**2024: January 24, 2024, February 14, 2024, April 24, 2024, May 8, 2024, May 22, 2024**

**Vote:** *The Commissioners voted unanimously by roll call to approve the minutes of July 12, 2023.*

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

**Vote:** *The Commissioners voted unanimously by roll call to approve the minutes of January 24, 2024 as edited.*

**Vote:** *The Commissioners voted unanimously by roll call to approve the minutes of February 14, 2024 as edited.*

The Commissioners deferred the review of the three remaining sets of minutes to the next meeting.

**Conservation Office, Miscellaneous Updates:**

- Chair McCoy noted that Select Board member Rosie Kennedy is the liaison to the Conservation Commission.
- Chair McCoy attended a pre-construction meeting with Superintendent Eric Tracy and others from Gale Associates and the contractor. They established that Argus will be responsible for complying with the order of conditions, a complete set of new plans will be submitted to K.Farr, along with the lighting plan. They did a site walk, and found a material that was prohibited had been used, and that has to be removed. K.Farr will verify the work. Chair McCoy will put together notes for the Commissioners.
- The next Conservation Commission meeting is currently scheduled for June 26, 2024.

**Adjournment** – *The Commissioners voted unanimously by roll call to adjourn at 9:33pm.*

**Documents:**

- Meeting minutes of July 12, 2023, December 13, 2024, January 24, 2024, February 14, 2024, April 24, 2024, May 8, 2024, May 22, 2024
- Enforcement Orders for Bridge Street lots 6,8,9
- Request for Certificate of Compliance and outstanding Order of Conditions for 275 Echo Cove Road
- 156 Gregory Island Road: Order of Conditions, Request for Amendment
- 35 Miles River Road: Request for determination, Support emails from neighbors, Project Outline, Invasives letter, USGS Base map, RDA receipt
- Trustees of Reservations, Highland Street: Request for Determination application
- 140 Lake Drive: Notice of Intent, Certification letter, Abutters list

*Respectfully submitted by D. Pierotti, Recording Secretary, 6.17.24.*

*The minutes were prepared from video.*

*Respectfully submitted as Approved at the August 28, 2024 Conservation Commission meeting.*

*Kathy Simons, Conservation Commission Vice Chair, on September 2, 2024*