



Town of Hamilton
Conservation Commission
 Meeting Minutes of September 25, 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 September 25, 2024 at 7PM via Zoom. *This meeting was recorded.*

Commissioners: Sandy Codding, Virginia Cookson, Kathy Simons, Lee McCoy, Mike Stoltzfus, Denise Kelly.

Call the meeting to order: *With a quorum present Chair McCoy called the meeting to order at 7:00 PM, and stated that there would be two public hearings conducted under the MA Wetlands Protection Act and the Town of Hamilton General Wetland Protection Conservation Bylaw, Chapter 17. The Town of Hamilton Conservation Commission will hold this public meeting and public hearings virtually to review the following projects to determine what conditions, if any, the Commission will impose in order to protect the interests of the public and private water supply, groundwater, prevention of pollution, flood control, and protection of wildlife habitat. He identified the meeting was being recorded and those present: L. McCoy, Chair; S. Codding, K. Simons, Vice-Chair, V. Cookson, D.Kelly, M. Stoltzfus, Others present: Kristan Farr, Conservation Commission Coordinator; and others as noted in the minutes.*

Request for Determination of Applicability:

- **66 Chebacco Road Applicant/Property Owner: John and Hilary Cole**
Project: construction of an addition & expansion of an existing porch

Chair McCoy opened the hearing at 7:03. S. Codding recused himself from the discussion and vote as he is a neighbor and may have a conflict of interest.

Mary Rimmer of Rimmer Environmental Consulting presented the proposed project to renovation an existing single-family home; they are rebuilding a screened porch with a slight bump out of about 30" from the existing structure. This is a straightforward buffer zone project. K.Farr reported she did a site visit that afternoon and did not see any major issues or threats to the wetlands. The Commissioners questioned the encroachment into the buffer zone. The homeowner reported the porch was fully rotted and needed to be removed. They are adding the small bump out to add space to the interior and move the chimney to improve the flow of the inside of the home. The Commissioners agreed the project presents minimal intrusion into the buffer zone, and the erosion controls (silt fence) were suitable.

Vote: *The Commissioners voted unanimously by roll call (except for S.Codding who was recused) to close the public hearing for 66 Chebacco Road.*

Vote: *The Commissioners voted unanimously by roll call (except for S.Codding who was recused) to issue a negative determination of applicability for 66 Chebacco Road for the plan as presented.*

Request for Amendment:

- **156 Gregory Island Road, DEP File #172-637 – Continued from September 11 meeting.**
- **Applicant/Property Owner: Warren Brown**
- **Amendment: modifications to the landscaping plan**

No one was present to speak to the application again. K.Farr reported the applicant has not been responding and suggested the Commissioners deny the amendment, and if the Certificate of Compliance is requested, the homeowner would have to show that the work and landscaping plan was done correctly. The Commissioners agreed to notify the homeowner that the application for amendment would be dropped if a representative does not attend the next meeting, and any work not appropriately approved would be a violation of the permit.

Vote: *The Commissioners voted unanimously by roll call to continue the hearing on 156 Gregory Island Road, DEP #172-637 until October 9, 2024.*

Request for Extension:

- **775 Bay Road (DEP File #172-593) -** This agenda item was in regards to the Hamilton Wenham Regional School District's (HWRSD) Athletic Fields Project, and the extension request filed on August 26, 2024. Kyle Rowan from Gale Associates was there to present the extension to the Commissioners and to request a one-year extension until October 16,

2025, as the project is going on longer than anticipated, and with the upcoming winter weather season, the work will be delayed until spring. This permit is specific to the main football field/track and the baseball field. He described the work that has been done to date; the ground work is primarily complete.. The items to be completed in the spring include paving, surfacing the track, installing the turf, and installing walkway, and site amenities, which are the impetus for the extension. The contractor expects to be done with the full project by mid-August 2025. The Commissioners stated the extension was occurring under the previous conditions for the permit, and the old bylaw would be in effect, as that was in place when the permit was issued. M.Stolzfus stated that HWRSD/Gale Associates cannot be held to any commitments that are voluntary and are above and beyond the conditions issued, and cannot be held in violation for not complying to actions that are voluntary.

Vote: *The Commissioners voted unanimously by roll call to approve the extension of the HWRSD Athletic Fields Project, DEP #172-593.*

Enforcement Orders/Violations:

- **161 Bridge Street (58-6-53) – issued March 14, 2023, reissued May 23, 2024**

Chair McCoy stated that the last report was received September 10 and the project is currently out of compliance. Chair McCoy will send them an email notifying them of this.

- **181 Bridge Street (58-8-53) – issued March 14, 2023, reissued May 23, 2024**

Chair McCoy stated that the last report was received September 10 and the property is currently out of compliance. Chair McCoy will send them an email notifying them of this.

- **185 Bridge Street (58-9-53) – issued March 14, 2023, reissued May 23, 2024**

Chair McCoy reiterated that 18 citations have been issued to date to Bandar Development for this property being out of compliance. The balance due is \$4,700 to date, and none of the citations have been paid. Chair McCoy has a meeting scheduled the following day to begin criminal proceedings.

- **775 Bay Road, HWRSD (40-0-11) DEP #172-642 – issued September 6, 2024**

Kyle Rowan of Gale Associates was present to speak to the Enforcement Order. He focused on four conditions starting with Special Condition 18 regarding stream testing for PFAS. The environmental consultants, Environmental Testing Services (ETS) have been engaged to conduct the testing. The testing was executed on September 23, and ETS collected samples from all four testing sites. Gale Associates requested expedited analysis and reports which has a five-day turnaround, and should be received September 30. If the reports are not received by then, Gale will be in touch with the Commission. K.Rowan stated that Gale submitted a memorandum explaining why the first three testing locations were chosen, as was requested by the Commission and gave a brief overview of the locations and why they were chosen. He noted all required chemicals, including testing for PFAS as a chemical class, would be tested for.

Regarding Special Condition 19, testing of the turf, Gale will provide testing results as soon as they have them, and no turf will be delivered to the site before the testing is submitted to the Commission. Some of the test data is missing from the manufacturer, and they are not fully confident this information would be available by September 30. The Commissioners asked Gale to submit everything they have as of September 30th. K.Rowan reviewed the laydown area, where the turf will be stored on site, and identified it is away from the resource area. The laydown area for this permit (tennis court area) still needs to be defined.

Special Condition 24 is about work supervision. Gale engaged LEC Environmental and the first report should be available this week. Gale is awaiting direction from the Commission on the signage requirement; this will be discussed later in the meeting.

Public Comment (3 minutes on topics not already on the agenda): There were no comments.

- **Minutes: August 28, 2024, September 11, 2024**

The Commissioners discussed minor edits to the August 28 and the September 11 minutes. K.Simons questioned whether the Enforcement Orders have been going out, and expressed concern they are being sent out without review by the Commissioners. M.Stolzfus stated the orders need to be added to the agenda in order to be ratified. K.Simons agreed, but stipulated that the Enforcement Order should be in the folder for review before ratification. There was mention of using Docusign in order for the Commissioners to apply their own electronic signatures. K.Simons reiterated it is a basic business

principle that people review documents before signing. K.Farr questioned whether there are any documents that do not require final review, and the Commissioners clarified that they should review all documents requiring their signatures.

Vote: *The Commissioners voted unanimously by roll call to approve the minutes of August 28, 2024 as edited.*

Vote: *The Commissioners voted unanimously (V.Cookson abstained as she was not present at the meeting) by roll call to approve the minutes of September 11, 2024 as edited.*

Conservation Office - Misc. Update:

- **Review & approve signage** – The Commissioners reviewed potential signage for indicating wetlands and other environmentally sensitive areas, and discussed how they would like the signs to be worded. Also discussed was whether the signs should be of a temporary nature or permanent. Chair McCoy reminded the Commissioners, specific to the Athletic Fields Project, the special condition stipulates that the signage is required to remain beyond the Certificate of Compliance. The Commissioners preferred “Environmentally Sensitive Area” as the wording for the sign.
- **Review of Boiler Plate Order of Conditions** – K.Farr suggested a special workshop meeting to specifically review the template. Chair McCoy will look into scheduling.
- **Hiring a consultant for conducting and interpreting PFAS results** – K.Simons discussed the testing for PFOA, and noted that the baseline test at site 1 for the Athletic Fields Project was exceedingly high relative to statewide waterway testing that was designed to include high-risk test sites. She suggested it would be helpful for the Commission to have assistance from an expert to help interpret the results so far, as well as going forward with testing of the turf itself. She offered some options, including asking the School District to make available a peer consultant to help interpret the results. She shared the testing information with the Board of Health to get their input, and has contact info for possible experts to engage. M.Stolzfus stated the importance of identifying an independent expert relative to the pending lawsuit. He also noted that the testing shows that PFAS is already present in the watershed, and how does the science distinguish a potential increase in PFAS from whatever the existing source of the PFAS is from any potential increase from the turf materials, especially if the turf materials themselves test negative. V.Cookson pointed out that the Commission is not responsible for tracking PFAS in the Town of Hamilton, and did not agree that hiring someone is necessary. The discussion will be continued at a subsequent meeting.
- **Hamilton Conservation Commission get together** – *postponed discussion to the next meeting.*
- Chair McCoy noted the applicant for the vacant Commissioner position has withdrawn his application and there is still a vacancy on the Commission.
- The next Conservation Commission meeting is October 9, 2024. S.Codding will not be present.

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

Documents:

- Minutes of August 28, 2024 & September 11, 2024
- 775 Bay Road Request to Extend Order of Conditions; Enforcement Order
- 156 Gregory Island Road – request for amendment
- Boilerplate Standard Conditions
- Template for Order of Conditions
- WPA Required Conditions
- Signage examples

Respectfully submitted by D. Pierotti, Recording Secretary, 9.28.24.

The minutes were prepared from video.