



Town of Hamilton
Conservation Commission
 Meeting Minutes of November 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 November 25, 2024 at 7PM via Zoom. *This meeting was recorded.* Commissioners: Sandy Coddington, Virginia Cookson, Mike Stoltzfus, Denise Kelly. Planning Director Mark Connors provided staff support.

CALL TO ORDER - *The longest serving Commission member convenes pending the establishment of a quorum.*
The following items shall be addressed in order, subject to the discretion of the Chair and the Members

Virginia Cookson called the meeting to order at 7:03 PM. She was informed through the Planning Director that three members is considered to be the quorum at this time and therefore they can hold the meeting and vote on agenda items. She identified the meeting was being recorded and those present: S. Coddington, V. Cookson, M. Stoltzfus. Not present: D.Kelly. Also present: Mark Connors, Director of Planning. Others present as noted in the minutes.

ADMINISTRATIVE MATTERS - *The Commission will select an interim Chairperson. Discussion & vote on applicants for membership on the Conservation Commission.*

With the recent resignation of two long-serving members, including the Chair, V.Cookson identified options available to the Commission; one option is to elect a Chair, another option is to rotate the running of the meetings between members. She suggested not selecting an interim Chair this evening since D.Kelly was not present. The other members present concurred. Nancy Baker introduced herself as a candidate to join the Conservation Commission. Her background included working as an environmental analyst with the Department of Environmental Protection. She previously served on the Hamilton Conservation Commission. The members of the Commission endorsed her application, and their recommendation will be conveyed to the Select Board.

PUBLIC HEARINGS: *V.Cookson stated there would be public hearings conducted under the MA Wetlands Protection Act & the Town of Hamilton General Wetland Protection Conservation Bylaw, Chapter 17.*

Request for Amendment:

- **156 Gregory Island Road, DEP File #172-637** – Continued from September 23 meeting.
 - Applicant/Property Owner: Warren Brown
 - Amendment: modifications to the landscaping plan

The applicant was not present.

Vote: *The Commissioners voted unanimously by roll call to continue the hearing on 156 Gregory Island Road, DEP #172-637 until December 11, 2024.*

- **Request for a Certificate of Compliance: 920 Highland Road (DEP File #172-0481)**
 - Applicant/Property Owner: Mark & Elizabeth Massey
 - Project: Pool at residential property

This is an expired order of conditions; the request is from 2006. The homeowners submitted an application to put in a swimming pool and do some significant landscaping. In 2007 they came with a revised plan, and then never returned for a Certificate of Compliance. V.Cookson and D.Kelly walked the property and viewed the swimming pool, which had been put in, but the landscaping was never done. They observed the pool was not fenced but it was believed fencing is outside the scope of the Commission. M.Stoltzfus recommended the Order of Conditions be reviewed for compliance purposes to confirm there are no outstanding issues before issuing the Certificate of Compliance. N.Baker noted she was on the Commission at the time and recalled the homeowner was opposed to vegetating the area adjacent to the river. She further questioned whether those concerns were adequately addressed. V.Cookson opined she saw nothing that concerned her, but will go back to review the file.

Vote: *The Commissioners voted unanimously by roll call to continue the request for a certificate of compliance for 920 Highland Rd, DEP File #172-0481 to the December 11, 2024 meeting.*

- **Notice of Intent: 20 Beech Street Extension (DEP File # 172-0653)**

- Applicant/Property Owner: 20 Beech Street LLC
- Project: Improvements to single-family property including replacement of septic system, rebuilding of deck, construction of second-story addition, renovations to existing barn, gravel driveway, installation of aluminum dock

Evin Gunavendrin, DeRosa Environmental, and the homeowner were present. E. Gunavendrin proceeded summarize the project and referenced a map of the property, which abuts the lake and is within the buffer zone. The new owners are cleaning up and revitalizing the property.

- The septic did not pass Title V and has been redesigned; four unhealthy trees are proposed to be removed in this area. The trees will be replaced as part of the vegetation plan.
- The existing gravel driveway to be resurfaced.
- A second floor is proposed to be added to the home, in the same footprint.
- The deck will be rebuilt, in the same footprint.
- An aluminum dock /floats will be installed.
- The stone wall will be repaired.
- A restoration plan will be proposed to remove debris in the buffer zone left by the previous owners.
- The existing boat shack will be demolished and a new smaller one built in its place,; this will reduce impervious surfaces on the property by 74 square feet.

The Commissioners discussed the application and asked a series of questions regarding erosion controls, equipment to be used, height and specifics of the structure, vegetation specifics, and details of the proposed dock. V.Cookson suggested that a site visit take place before issuing the order of conditions. A site visit was planned to take place at 9:00am on November 27.

Vote: *The Commissioners voted unanimously by roll call to continue the hearing for the notice of intent for 20 Beech St Extension DEP File#172-0653 to December 11, 2024.*

- **Request for Certificate of Compliance: 17 Postgate Road (DEP File #172-0645)**

- Applicant/Property Owner: Amy Laws and Emmett Hedbloom
- Project: Single family residential addition and landscaping improvements

V.Cookson noted a report was submitted attesting to the completion of the project and fulfillment of the Order of Conditions. The project included adding a garage with living space above it, as well as plantings and landscaping.

Vote: *The Commissioners voted unanimously by roll call to approve a certificate of compliance for 17 Postgate Road DEP File#172-0645.*

- **Request for Determination: 44 Walnut Road**

- Applicant/Property Owner: Patrick and Kathryn Hofmann
- Project: Fence at residential property

V.Cookson reported she conducted a site visit and discussed the project with the homeowner. Kathryn Hoffmann spoke about the project and explained a septic system was put in by the previous owner and the wetlands were already flagged. They are proposing a 4-foot split rail fence, about 325 ft total. Approximately 25-50 feet of the fence would run along the wetland boundary. The Commissioners did not note any concerns with the project.

Vote: *The Commissioners voted unanimously by roll call to issue a negative determination for construction of a fence at 44 Walnut Road.*

- **Request for Determination: 1028 Bay Road**

- Applicant/Property Owner: Carolyn Rodio
- Project: Fence at residential property

The homeowner is looking to extend fencing for horse paddocks. Evin Gunavendrin, DeRosa Environmental, explained the project and showed photos of the fence to be installed, and the wetlands flagging. The fence will be outside of the 25-foot buffer zone.

Vote: *The Commissioners voted unanimously by roll call to issue a negative determination for construction of a fence at 1028 Bay Road.*

INFORMATIONAL ITEMS FOR DISCUSSION / CORRESPONDENCE:

- **Nathaniel Olken, Verdantas: Discussion of nature-like fishway at Willowdale Dam (Ipswich River) to provide for more effective fish passage.**

Nathaniel Olken proceeded to reference a slide presentation regarding the nature-like fishway proposed at Willowdale Dam. He explained the difficulties with the existing fishway, the species of fish affected, and the specifics of the new proposed fish passage. The work will take place on the Hamilton side of the river, the existing fishway will be removed and the new one built. The geotechnical borings for the fishway were also described, and a map identified where the borings would take place. He explained the equipment to be used to do the bore holes, how the bore holes will be filled in, and how the equipment tracks will be remediated. Under the MA permitting rules, this is considered a minor activity. Under the Hamilton bylaws, it is less clear, and they are asking if a request for determination is necessary. M.Stolzfus recommended someone be on site to ensure that crossing the wetlands does not occur and that the wetlands flagging is properly observed, otherwise he believed this is a minor activity not requiring a filing. The Commissioners concurred.

- **Correspondence from Anne Gero, received November 21, 2024, RE: Softball Field Improvement Project – Proposed Date for Testing of Artificial Turf Components**

A.Gero was present to discuss her concerns. She noted the Order of Conditions requires testing of the turf product, and she would like the results in a timely fashion so she, and other abutters, can consider the results. She also would like the methodology to be agreed beforehand in order to be assured the results are sound. Kyle Rowan of Gale Associates was present and spoke on behalf of the HW Regional School District. He noted there is ongoing outside litigation directly pertinent to this letter, and his client has requested not responding to the letter until it has undergone legal review. He noted during the discussion of the enforcement order later in the meeting, most of the topics would be addressed as part of that discussion.

Enforcement Orders/Violations:

- **161 Bridge Street (58-6-53) – issued March 14, 2023, reissued May 23, 2024**
- **181 Bridge Street (58-8-53) – issued March 14, 2023, reissued May 23, 2024**

These enforcement orders have been lifted; the letter still needs to be sent to the property owner.

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

Mark Arnold of Goddard Consulting stated the last report was submitted two weeks ago, site visits are ongoing, erosion controls are in place and working well; the property is under control. He believed there was no outstanding violation that would require enforcement, and they are seeking to have the enforcement order lifted. Goddard Consulting will continue to monitor the site to ensure no further violations occur. He reported there has been no damage to the wetlands.

John O'Brien, attorney for Bandar Construction, requested the fines get waived as they were not in violation of any of the bylaws or the Wetlands Protection Act. Bandar Construction spent a lot of money to get the lot into compliance, and has asked for the fines to be waived. M.Stolzfus responded the fines were issued to bring the site into compliance and opined the erosion control plan was not being implemented. M.Arnold and the Commissioners discussed the timeline of when the site was brought into control. There were questions of when the fines were issued, and M.Stolzfus stated there could be discussion of the fines issued after the site was brought into control, but the fines issued prior, should be paid. M.Arnold and M.Connors will review the history of the site and fines in order to clarify the discussion.

- **775 Bay Road, Hamilton Wenham Regional School District (DEP #172-642) – issued September 6, 2024**

Kyle Rowan, Project Manager from Gale Associates was there to represent the project and the HW School District. He proceeded to talk through the status of the outstanding special conditions. He shared a copy of the order of conditions and the attachment showing the summary of the conditions. He gave an update on the outstanding conditions:

- **Special Condition #18:** Baseline stream testing – This testing was performed twice, the first time on June 19 with a report issued, however due to misunderstanding it was missing a fourth testing site. That testing was performed on September 23 and a report issued on October 11. A final report was issued on October 29. Gale Associates believes that they have been in full compliance on this special condition since October 29.

- Special Condition #19: Turf, infill, shock pad – They issued a memorandum of understanding on September 11 that explained why it was not possible to do the testing before the construction project began. By law, in a public construction project, they are not permitted to tell the contractor what product to use, it is an anti-corruption measure. Gale Associates provided construction specifications and plans that provide parameters for the contractors, and then the contractor submits the product of their choice for approval, and only then can they go ahead and purchase the product. Gale received the final turf submittal for approval on August 29, and that is when the process began for testing. Final turf testing data was received on October 29, and submitted to the Commission on that day. They believe the Commission has all of the testing data required, and they are requesting that the Commission review the data in anticipation of a turf delivery date of May 2025. Given the recent turnover with the agent and the Commission, not everyone had received the testing results.
 - Special Condition #24: Work supervision – LEC Environmental is the consultant doing this work, they completed a third site visit on November 20, 2024, the Commissioners were sent that report today. They are in compliance on this condition. LEC did note three areas where corrective action was required, where the biodegradable silt sock had degraded and needed replacement, that corrective action is underway.
 - Special Condition #26: Signage – they are awaiting final instruction from the Commission. M.Stolzfus showed a copy of the sign preferred by the Commission, it will be sent to Gale Associates.
- K.Rowan summarized by stating the project is now in full compliance as identified in the September Enforcement Order, and they request the closure of that Enforcement Order. The Commissioners will review the documents prior to the next hearing and come prepared to discuss the enforcement order at the next meeting.

- **Next Meeting:** The next Conservation Commission meeting is currently scheduled for December 11, 2024.

Adjournment – *The Commissioners voted unanimously by roll call to adjourn at approximately 10:20pm.*

Respectfully submitted by D. Pierotti, Recording Secretary, 12.1.24.

The minutes were prepared from video.