



**Town of Hamilton
Conservation Commission**
Meeting Minutes of October 23, 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 October 23, 2024 at 7PM via Zoom. *This meeting was recorded.* Commissioners: Sandy Coddling, 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 7:01 PM, and stated that there would be one public hearing 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 hearing 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; K. Simons, Vice-Chair; S. Coddling, V. Cookson, D.Kelly, M. Stoltzfus; Others present as noted.*

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**

Chair McCoy reported that he had been in touch with the homeowner, and he was planning to come to the October 9 meeting that had to be cancelled. He had been unaware that he was supposed to appear at previous meetings. Chair McCoy would like to reach out to him again to try and reschedule an appearance.

Vote: *The Commissioners voted unanimously by roll call to continue the hearing on 156 Gregory Island Road, DEP #172-637 until November 13, 2024.*

Request for Extension:

3 Gail Avenue (DEP File #172-0628)

Applicant/Property Owner: Mark Adams of H&R Land Development LLC

Project: Reissue expired bylaw permit and extend to October 21, 2027

Dan Powers from the Morin-Cameron Group in Danvers was there to present the application. They are requesting a three-year extension to the WPA order of conditions and release from re-issuance of the local order. The property was acquired by March Adams after the initial permit was issued, and now he is moving forward with a new site design for a new house, and is currently working with an architect. They would seek a new or modified order based on the new project. The Commissioners noted that both permits are now expired, and upon advice from Town Counsel, the Commission cannot issue or extend an expired permit without a new notice of intent.

Vote: *The Commissioners voted unanimously by roll call to deny the extension for 3 Gail Avenue, DEP #172-0628.*

Request for a Certificate of Compliance:

- **55 Rear Hamilton Ave (DEP File #172-0156)**
- **Applicant/Property Owner: Charles Smerage**
- **Project: Yard project from 1990**

Chair McCoy identified this is his neighbor's property and he would continue to guide the discussion, but recuse himself from the vote. M.Stoltzfus reported on the site visit he conducted on the property. He noted the file was old and hand-written from the 1990s. The homeowner was supposed to have cleared some brush and level out the area around the driveway, plus extend a culvert. He noted that the area looked to be stable and secure, and noted no issues. He recommended that the certificate of compliance be issued.

Vote: *The Commissioners voted unanimously by roll call, with L.McCoy recused, to issue a certificate of compliance to 55 Rear Hamilton Ave, DEP File #172-0156.*

920 Highland Road (DEP File #172-0481)

- **Applicant/Property Owner: Mark & Elizabeth Massey**
- **Project: Unknown project from 2006**

Chair McCoy explained this application was for an unknown project for the property. A project for this property from 2010 was issued a certificate of compliance. V.Cookson reported on her research into the 2006 project and a site visit she conducted that day. She said the homeowners had planned to install a swimming pool, but no work was ever done, and therefore the Commission should close the file. Evin Guvendiren, who was present for another project advised that the Commission could issue a certificate of compliance for an invalid order of conditions, and that would close the project file. However, D.Kelly noted that she checked online, and the real estate listing shows a swimming pool. She suggested that the Commission continue this issue and she and V.Cookson conduct another site visit on Friday to further clarify what work was done.

Note: *The Commissioners voted unanimously by roll call to continue the request for a certificate of compliance the 920 Highland Rd, DEP File #172-0481 to the November 13 meeting.*

Letter Permit/Tree Removal: 81 Blueberry Lane - Applicant/Property Owner: Elizabeth Wansong

The Commissioners reviewed a letter permit that was signed by the Hamilton Town Planner, Patrick Reffet, authorizing the tree removal. K.Simons requested that the Commission review the letter permit template and process at a future meeting.

WORK NOTICE

- **175 Gardner Street ECTA work from 2022 permit**

Evan Guvendiren of DeRosa Environmental was present to represent the Essex County Trails Association. She explained that in August 10, 2022 the minutes show that the project was approved under the approved town-wide management plan. This is for the trail on Gardener St. She explained that this is simply a notice that the work will now take place, that ECTA was not able to do it last year, but that conditions are such that they can proceed with the work now. This project is to improve trails by putting new stones and stone pack.

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 October 11, 2024 and the project is currently in compliance.

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

Chair McCoy stated that the last report was received October 11, 2024 and the property is currently in compliance.

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

Chair McCoy stated that the last report was received October 3, 2024 and the property is currently out of compliance. He noted that he is still pursuing a criminal complaint with the Police Department and Town Counsel.

- **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.

- **Special Condition #18: Baseline stream testing –** They believe that they are now in full compliance with this, the report was submitted in final form on October 10, and includes the fourth testing site as requested, and also the missing PFAS compounds.
- **Special Condition #19: Turf, infill, shock pad –** They submitted the results that they had on October 9, it is about 95% complete, it is missing a report for one compound, HFPODA for the Brock shock pad, as well as total synthetic chlorine results for the synthetic turf carpet. Everything else has been received and submitted. They are engaged in back and forth to get the final results from the manufacturers, and have been informed that the results will be forthcoming this week. He offered to submit the email documentation if requested.
- **Special Condition #20 –** (not out of compliance, but he wanted to note a few things) Weekly reporting has been ongoing, they are up to weekly report #19 on October 16, 2024. This week's report should be submitted tomorrow.

- Special Condition #24 – Work supervision – LEC Environmental is the consultant doing this work, they completed a site visit on September 23, 2024, and issued a report on September 30 that was emailed to the Commission. There were no specific findings. The second site visit was conducted this morning, and the report will be forthcoming.
- Special Condition #26 – Signage – they are awaiting final instruction from the Commission.

K.Rowan will return for the next meeting with further updates.

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

- Mark Adams, 3 Gale Ave missed the agenda item for his property and requested a brief summary.

- **Minutes: September 25, 2024**

The Commissioners questioned where to access the draft minutes, there is some confusion with the files given the departure of the agent. Chair McCoy is working to consolidate and organize the files. The minutes will be reviewed at the next meeting.

Conservation Office - Misc. Update:

- **Review & approve signage** – The Commissioners reviewed a draft sign for the purpose of indicating environmentally sensitive areas in particular for Gale Associates to use for the School Building project.
- **Hiring a consultant for conducting and interpreting PFAS results** – M.Stolzfus questioned whether this issue should be discussed in executive session because there is ongoing litigation before the Commission. Chair McCoy opined that this subject is not related to the litigation and can be discussed in public. M.Stolzfus stated that the order of conditions only requires them to conduct the testing, there is no requirement beyond conducting that testing. K.Simons clarified that it would have to be done at the expense of the Commission. She believes that the testing was initially incomplete and does not think the Commission has sufficient expertise to know if the testing is adequately and appropriately done and to review and help assess the results. She would also like to see benchmarking relative to other sites in Massachusetts. M.Stolzfus stated that he does not have any objection to verifying the accuracy or validity of the testing, but notes that the conditions only require that the applicant conduct the testing, and if they have done so, then they are in compliance. There was further discussion about what funds the Commission has access to and what that should or should not be used for. D.Kelly clarified that the Conservation Commission fund has approximately \$94,000, and that can be spent on professional fees. S.Codding stated he would support spending money to validate the testing, but expressed concern about going further than that and exploring potential pollution in the Miles River as beyond the purview and ability of the Commission to address.
 - **Chair McCoy questioned the Commission:** Does the Commission want to pursue hiring a consultant to help us validate the chemical results provided for the turf and stream testing for the High School Athletic Project? The Commissioners responded unanimously in the affirmative.
- Chair McCoy noted that the Town has contracted with former agent Brian Colleran to assist the Commission while the agent position is vacant. He is also working on getting a SignNow account in order to have documents digitally circulated and signed. He is in discussion with the Town for how to purchase and access the software.
- The next Conservation Commission meeting is currently scheduled for November 13, 2024.

Adjournment – *The Commissioners voted unanimously by roll call to adjourn at 8:55pm.*

Documents:

- Minutes of September 25, 2024
- Signage example.

Respectfully submitted by D. Pierotti, Recording Secretary, 10.25.24. The minutes were prepared from video.