



**Town of Hamilton
Conservation Commission**
Meeting Minutes of December 11, 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 December 11, 2024 at 7PM via Zoom.

This meeting was recorded.

Commissioners: Sandy Coddling, Virginia Cookson, Mike Stoltzfus, Denise Kelly.

CALL TO ORDER The Interim Chair convenes the meeting pending the establishment of a quorum. The following items shall be addressed in order, subject to the discretion of the Chair and the Members

Interim Chair Virginia Cookson called the meeting to order at 7:00 PM. She identified the meeting was being recorded and those present: S. Coddling, V. Cookson, M. Stoltzfus, D.Kelly. Also present: Mark Connors, Director of Planning, and Nancy Baker (non-voting) resident whose membership to the Commission is pending. Others present as noted in the minutes.

APPROVAL OF MINUTES: October 10, 2024, October 23, 2024, & November 25, 2024 and administrative meeting minutes of November 13, 2024 & November 20, 2024.

Vote: *The Commissioners voted unanimously by roll call to approve the minutes of September 25, 2024.*

Vote: *The Commissioners voted by roll call to approve the minutes of October 16, 2024. (D.Kelly recused herself from the vote.)*

Vote: *The Commissioners voted by roll call to approve the minutes of October 23, 2024. (V.Cookson abstained from voting.)*

Vote: *The Commissioners voted by roll call to approve the minutes of November 25, 2024. (V.Cookson voted no.)*

PUBLIC MEETINGS / HEARINGS:

Request for Amendment: 156 Gregory Island Road (DEP File #172-637)

- **Applicant/Property Owner: Warren Brown**
- **Amendment: Modifications to the landscaping plan**

Property owner Warren Brown was present to speak to the application. He reported on the site visit conducted by K.Farr and noted that the hardscaping has been done, and the plantings will be completed in the spring. They are increasing the number of native plantings from the original proposal.

Vote: *The Commissioners voted unanimously by roll call to approve the request for amendment for 156 Gregory Island Road.*

Vote: *The Commissioners voted unanimously by roll call to issue a letter outlining that the Commission approved the request for amendment.*

Request for a Certificate of Compliance: 920 Highland Road (DEP File #172-0481)

- **Applicant/Property Owner: Mark & Elizabeth Massey**
- **Project: Pool at residential property**

The former agent K.Farr conducted a site visit and the property owner told her that nothing had been done. Subsequently, there was a site walk by V.Cookson and D.Kelly. They observed the pool that was put in, and the pool house, and noted that there was no fence around it. The fence was part of the amended proposal, and therefore the Commission needs to acknowledge that. V.Cookson opined that they cannot issue a certificate of compliance in that event. She further noted that there was a fence installed further away in the woods, nearer the buffer zone. The Commissioners ultimately decided that the property was in compliance.

Vote: *The Commissioners voted unanimously by roll call to issue a certificate of compliance for 920 Highland Rd, DEP File #172-0481, noting that the fence was not built to plan.*

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 resurfacing and extension, installation of aluminum dock, repairs to stonewall, restoration plan**

Evin Gunavendrin, DeRosa Environmental, was present to represent the applicant. She noted there were four trees questioned by the Commissioners at the site walk as to whether the trees were actually diseased. She engaged an arborist to review the trees, and he recommended removal due to proximity to the septic tank and disease status. The trees will be replaced on the site. There was discussion regarding the proposed cantilevered deck, but E. Gunavendrin observed the deck is permeable and the vegetation will remain underneath. The Commissioners requested two of the new trees be moved closer to the lake front, since the trees will be stripped from that area. E. Gunavendrin will revise and resubmit the plan with the changes. Also, the Commissioners requested additional erosion control near the lake such as a turbidity curtain; this will be added to the plan also. The updated plan will be submitted by the end of the week.

Vote: *The Commissioners voted unanimously by roll call to close the hearing and issue an order of conditions.*

Vote: *The Commissioners voted unanimously by roll call to issue one or two special conditions with the order of conditions.*

Request for Determination: 54 Beech Street

- **Applicant: George Zambouras, P.E.**
- **Property Owner: Marisa and Edward Politis**
- **Project: Landscaping work**

George Zambouras, Atlantic Engineering, was present to speak to the application. He explained all the work has been done, with a couple of minor changes. They installed a drip edge rather than roof infiltrators. The surface area is now 3.5 times greater than what was approved and can handle a higher percentage of runoff. There will be plantings as well, the Commission had approved 8 plantings. A raised garden has been installed that was not on the original plan. There is a bit of erosion occurring near the dwelling and the owners would like to add two landscape walls with plantings to stop the erosion. The Commission raised additional questions regarding the two changes, and G.Zambouras clarified them in detail.

Vote: *The Commissioners voted unanimously by roll call to issue a certificate of compliance for 54 Beech Street.*

G.Zambouras continued to explain the new work proposed to add two landscape walls, plus stairs and plantings. There was discussion of the grading of that area, the dimensions of the proposed features, and the composition and type of materials.

Vote: *The Commissioners voted unanimously by roll call to issue a negative determination for 54 Beech Street.*

Request for Determination: 67 Pine Tree Drive

- **Applicant/Property Owner: Bruce and Wendy McFarland**
- **Project: Replacement of septic system**

Bruce McFarland was present and explained they are selling the house and need to replace the septic system; the new plan has been approved by the health agent. The tank is outside the 50 foot buffer, and the leaching field outside the 100 foot buffer.

Vote: *The Commissioners voted unanimously by roll call to issue a negative determination for 67 Pine Tree Drive for replacement of a septic system.*

ENFORCEMENT ORDERS/VIOLATIONS:

1. 185 Bridge Street (58-9-53) – issued March 14, 2023, reissued May 23, 2024

M. Connors reported he spoke to the Town Manager and the property owner, who had requested that the Commission waive the fines levied for the violations. The Commission had asked for more information about the chronology of the fines, and that has been difficult to locate as it is not clear in the files. He has asked the Police Department for a copy of their records on the violations, but pending getting more information, he recommended that the Commission appoint one member to attend an offline meeting with town staff, including the Town's legal counsel, to review the chronology and try to come to a resolution. M.Stoltzfus stated he was willing to sit in, but that it is up to the applicants to demonstrate they have satisfied the requirements. The Commissioners agreed to M.Stoltzfus as the representative.

2. 775 Bay Road (40-0-11) – issued September 6, 2024

This is the Hamilton Wenham Regional School District Athletic Fields Project. At the previous meeting, Kyle Rowan of Gale Associates walked through all of the conditions and explained why he believes the conditions have been met. K.Rowan was

present and reiterated at the last meeting, it was discovered the agent had not been disseminating all of the information submitted to the Commissioners, so he resent all of the materials.

Regarding the remaining conditions:

Special Condition#18: the initial full compliance report was emailed to the Commission on October 11 and the final report sent to the Commission on October 29.

Special Condition #19: the majority of the testing was provided by September 30, the remaining testing was submitted on October 29, closing out and meeting the testing requirements of that condition. He noted that the responsibility of Gale Associates was to provide the results, but not the interpretation. Further interpretation would require a toxicologist. M.Stoltzfus stated he reviewed the results, and all of the results were non-detect, meaning that levels are below the capacity of the test to detect any of those compounds. He believes this satisfied the testing requirement for the certificate conditions but also does not present any evidence these materials are contaminated with Pfas.

Special Condition#24: This required Gale Associates to be on site and also to engage a wetland scientist. On November 25, LEC Environmental had been to the site for their 3rd time, and are going out once a month. They have been submitting reports as required.

Special Condition #26: Gale received the signage from the Commission that will be used, but probably toward the end of the project once the site disturbance is completed and the site stabilized. It is Gale's opinion that documents provided to date satisfy the conditions on this project.

➤ Anne Gero, Bay Road, commented on the results from a letter she submitted that day. She opined there were different test results in two cases without explanation of what the difference was. She also opined there is no paper trail to support certain results, and there is no testing of the infield of the softball field. She requested total listing of all materials so she can check there are tests for everything. She also believes there are detection limits that are higher in certain tests than what the labs are capable of reporting. She would like this to be revisited. She stated all of this is laid out in her current letter, and she also referenced her letter from the last meeting discussing her concerns with the stream sampling results.

K.Rowan responded to the concern that not all materials were tested, and he quoted from the order of conditions, that states the applicant will engage an independent testing laboratory to test the turf infill and shock pad, and that is what they have done. He clarified the infield is the exact same material except for the color. He offered to relay specific questions from the Commission to the testing company if that will be helpful, but he reiterated he believes they have fulfilled the order of conditions. The Commissioners decided they would like more time to read the letters and review the results before making any determinations.

Vote: *The Commissioners voted unanimously by roll call to continue the hearing on 775 Bay Road until January 15, 2025.*

NOTES:

- V.Cookson or M. Stoltzfus will participate in interviews to replace the Conservation Agent depending on timing.
- The proposed 2025 meeting and filing deadline schedule was briefly reviewed and accepted.
- The next Conservation Commission meeting is currently scheduled for January 15, 2025.

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

Respectfully submitted by D. Pierotti, Recording Secretary, 1.10.25.

The minutes were prepared from video.