



Town of Hamilton  
Conservation Commission  
Meeting Minutes of January 15, 2025

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 January 15, 2025 at 7PM via Zoom. *This meeting was recorded.* Commissioners: Sandy Coddling, Virginia Cookson, Mike Stoltzfus, Denise Kelly, Nancy Baker.

**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, N.Baker. Also present: Mark Connors, Director of Planning. Others present as noted in the minutes.

**APPROVAL OF MINUTES:**

- **Approval of draft meeting minutes for December 11, 2024**

**Vote:** *The Commissioners voted unanimously by roll call to postpone approval of the minutes to the next meeting.*

**PUBLIC MEETINGS & HEARINGS:**

- **Request for a Certificate of Compliance: 10 Pilgrim Road (DEP File #172-0638)**
- **Applicant/Property Owner: Mhead, LLC c/of Mark Driscoll**
- **Representative: William Manuell, Wetlands & Land Management, Inc.**
- **Project: Landscaping/Tree clearing**

W.Manuell referenced the as built plan as shown on the screen. He reviewed the project came out of an Enforcement Order and was rolled into a Notice of Intent. The owner cut down some very tall trees around the house. The work is completed and the site stabilized, therefore, they are requesting to close out the order and be issued a Certificate of Compliance. He highlighted work approved, which will not be done including the rebuilding of a fire pit, the removal of a tree stump, and the rehabilitation of an existing shed. All trees and shrubs have been planted, and are doing well.

**Vote:** *The Commissioners voted unanimously by roll call (N.Baker abstained) to approve the certificate of compliance for 10 Pilgrim Rd.*

- **Notice of Intent: 3 Gail Avenue (DEP File # 172-0654)**
- **Applicant/Property Owner: H & R Land Development c/o Mark Adams**
- **Representative: The Morin-Cameron Group, Inc. (Dan Powers)**
- **Project: Buffer Zone impacts associated with site grading and the construction of a subsurface sanitary disposal system to support a proposed single-family home**

Dan Powers of the Morin-Cameron Group explained the project was previously permitted in October 2021 under a different owner, but was never done. The new owner is proposing a different dwelling for the site. The dwelling is in the middle of the lot, and they are requesting to do some grading, landscaping, and construct a portion of the septic system plus some utilities and a foundation drain within the 100 foot buffer zone. They are in the process of finalizing the septic plan with the Board of Health. N.Baker expressed concern over the leaching field and the grading of the property, and the potential for contamination of groundwater. D.Powers stated they evaluated different options and also the site of the septic that was approved in 2021. N.Baker asked for further clarity on the siting of the septic. M.Stoltzfus questioned why the dwelling was moved further from the roadway, necessitating the additional grading. D.Powers explained the grading was pushed back a bit to get more yard, but the majority is outside the 50 foot no-build zone. M.Stoltzfus stated it is not a default to use the buffer zone for grading, and it is to be presented, only after all other options have been considered. He opined since there appeared to be alternatives that would minimize the impact to the AURA, he recommended modification to the septic to avoid the 100 ft buffer zone, and a proposal for restoration.

The Commissioners recommended a site walk in order to review the proposal. The owner, M.Adams stated the view easements on the property restrict where they can build to a very small area, and that he couldn't build in 95% of the property. The Commissioners requested more documentation and in particular to explain the improvements the owner has already done on the property. The Commissioners also discussed refunding the Town portion of the filing fees since the prior application is still viable. The Commissioners agreed to a site walk of the property at 10AM on Friday, January 17.

**Vote:** *The Commissioners voted unanimously by roll call to refund the town portion of the application fees associated with this application.*

**Vote:** *The Commissioners voted unanimously by roll call to continue the application to the next meeting of January 29th.*

- **Request for Extension of Order of Conditions: 434 & 436 Asbury Street (DEP File #172-0630)**
- **Applicant / Property Owner: Essex County Habitat for Humanity**
- **Representative: The Morin-Cameron Group, Inc. (Dan Powers)**
- **Project: Buffer Zone impacts associated with the development of an affordable housing project and associated improvements**

This is a request for an extension, however, with the new state law automatically extending permits for two years, the filing is unnecessary. M.Stolzfus recommended the applicant submit a letter asking to withdraw the request and provide the justification for it to be documented for the file, and the fee is refunded.

#### **ENFORCEMENT ORDERS/VIOLATIONS:**

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

V.Cookson reported the proposed meeting between M.Connors, the Town Manager, and the Board representative has not happened, but he has been collecting information. M.Connors showed a report from the police department listing the 19 citations, beginning in March and going through September, which all preceded the site coming into compliance in October. M.Stolzfus stated the fees should stand and the enforcement order remain open until the fines are paid. M.Connors will consult with the police department and the MACC (Mass Association of Conservation Commissions) on whether there is any further recourse to aid in collecting the fines.

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

This is the Hamilton Wenham Regional School District Athletic Fields Project. V.Cookson noted there were only two outstanding issues - the signage, which will be posted after the work is finished, and the PFAS testing. Kyle Rowan of Gale Associates forwarded all of the documentation and stated Gale completed all testing that was required of them. M.Stolzfus advocated for considering compliance with the order of conditions and leaving the interpretation of results out of the discussion. He noted there was no requirement in the order of conditions to interpret the results. S.Codding agreed. It was noted abutter Anne Gero submitted another letter to the committee at 6:30 that evening; the Commissioners did not have a chance to review the letter.

- **Michelle Horgan, School Street** stated the District has met every single condition that was asked of them and she is concerned they are discussing a letter sent by an abutter that is not public information, and they are not able to get minutes from their past meetings. She is concerned “things” are not moving forward because of influence from some individuals, and every time a decision is pushed off, it is costing the tax payers by raising the cost of the project.
  - **Anne Gero, abutter**, stated she submitted a letter this afternoon, which is a follow-up to her December 11 letter where she laid out her opinion on inadequacies in the testing provided by Gale Associates. She opined there are issues with reporting limits, lab detection limits, lack of quality assurance, and lack of appropriate explanations. She further noted different testing methodology was used than what is approved by EPA and the results are incomplete and unsatisfactory. She believed the order of conditions have not been met and encouraged the Commission to hire their own independent expert to review the results, which are quite technical, and they should not automatically accept what the school district is providing.
- M.Stolzfus reiterated his motion to take a vote on lifting the enforcement order. He believes that Gale Associates have done everything and more of what was required, and the existing enforcement order should not stand any longer, but does not preclude further monitoring for compliance. If, they are out of compliance again, than another order would have to be

issued. He further stated the Commissioners should come prepared to the next meeting with specific details on why they believe the order should not be lifted, because the discussion is currently vague. N.Baker advocated for taking more time and erring on the side of caution. M.Stolzfus pointed out that PFAS were detected in the environment through the stream testing, and the materials were non-detect for PFAS, and how will additional testing show a different outcome.

- **K.Rowan of Gale Associates** stated that there are no new developments to report regarding this enforcement order as all conditions have been met as of October 29, 2024. At the last meeting, the Commission had not formed an opinion on the environmental testing results provided to date. There had been an abutter letter submitted the day of the last meeting, and Gale requested a copy of it for review and record, and requested after the hearing if the Commission had any questions specific to the testing results, those be provided to Gale and the client in writing, so they could take that information and provide a formal response with input from their third party testing agencies include qualified toxicologists. He stated for the record neither the abutter's December 11 letter nor formal questions have been issued to Gale Associates to date, and they have assumed a formal response to either of those items had not been required. The latest abutter letter was received at 6:45PM this evening before the meeting. He then displayed the order of conditions letter and list of conditions, and briefly summarized once again how each are now in compliance. Gale's opinion is they are very much in compliance with the conditions as per the enforcement order. He showed the wording of condition #19 and explained why they are in compliance with meeting those conditions. He requests formal direction on how to proceed, and further noted that the compliance data is 78 days old at this point.
- **Jay Butler, Old Cart Road** stated he has been involved with this project for many years, and currently chairs the Hamilton Community Preservation Committee that has awarded funding to the project. He stated his frustration the project is stalled despite the fact that Gale has submitted everything that has been asked for in a timely manner and is not getting much feedback, and the Commission is struggling to make a decision. He strongly encouraged the Commission to approve lifting the conditions.

*M.Stolzfus entered a motion that the applicant has met the requirements of the enforcement order and is complying with the order of conditions currently, and therefore the enforcement order should be lifted at this time. The motion was not seconded.*

D. Kelly took responsibility for collecting the questions that were discussed tonight, and putting them in writing for Gale Associates. The questions entail why things were done a particular way, and a decision needs to be made at the next meeting. She will create a draft by noon tomorrow and everyone should submit their additional questions to M.Connors, who clarified the letter has to be from the Commission, not from abutters or others.

#### **NOTES:**

- Using DocuSign for electronic signatures is being tested by M.Connors, and will hopefully roll out soon.
- D.Kelly noted she lives on Chebacco Lake where there is an invasive weed, Cabomba or Fanwort. The Mass Department of Conservation & Recreation recommends diver assisted suction harvesting to pull it from the roots and prevent spread. The Chebacco Lake Association would like to do a test run of that method in Echo Cove, and is willing to fund it. She asked how to request permission to do it. It was suggested to submit a request for determination for the Commission to review.
- The next Conservation Commission meeting is currently scheduled for January 29, 2025.

**Adjournment** – *The Commissioners voted unanimously by roll call to adjourn at approximately 9:25pm.*

*Respectfully submitted by D. Pierotti, Recording Secretary, 1.21.25. The minutes were prepared from video.*