



**Town of Hamilton
Conservation Commission**
Meeting Minutes of July 9, 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 remote meeting of the Hamilton Conservation Commission was posted for July 9, 2025 at 7PM via Zoom.

This meeting was recorded.

Commissioners: Sandy Coddington, Virginia Cookson, 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

Chair Nancy Baker called the meeting to order at 7:00 PM. She identified the meeting was being recorded and those present: V. Cookson, S.Coddington, N.Baker, D.Kelly. Also present: Bethany Barstow, Conservation Agent. Others present as noted in the minutes.

PUBLIC MEETINGS AND HEARINGS:

Amended Order of Conditions: MassDEP #172- 0625, Bridge Street & Miles River Road, Hamilton, MA.

Applicant: Timothy Olsen

Representative: Matthew Perry, The Engineering Corp (TEC)

Project: Minor changes to the layout and location of the drainage system and to detail proposed pavement maintenance activities. Most of the proposed work is located within the 100-foot Buffer Zone, and the 200-foot Riverfront Area.

William Burnham of TEC Inc, was present to request minor changes to the drainage system and pavement maintenance activities. They were instructed to go to the Planning Board for approval first, and have received approval to remove five trees on the scenic road. The Commission asked to see documentation of the Planning Board decision, but documentation had not been received to date. Alicia Brennan, staff assistant to the Planning Board has confirmed the approval of the Planning Board. W.Burnham displayed a map to show where the trees were removed, one of which was considered a danger to the public. Some of the trees will only be removed if absolutely necessary. The Board asked questions about the drainage system, the capacity & size of the system, and its ability to remove total suspended solids and whether the town has the appropriate equipment (vac trucks) to maintain them. V.Cookson raised concerns this information is not available and the questions raised at previous meetings have not been answered. The Commissioners also wanted official confirmation of the Planning Board's decision.

Vote: *The Commissioners voted unanimously by roll call to continue the public hearing to July 23, 2025, pending submission of the information requested.*

Notice of Intent: MassDEP #172- xxxx, 45 Central Place, Hamilton, MA.

Applicant: Lorraine and Leo Kulhavy

Project: Proposed dining/den room extension and rebuild of an existing bathroom to an existing cottage. Most of the proposed work is located within the 100-foot buffer zone. (Applicant has requested a continuance until the July 23rd, 2025 meeting.) - This application was withdrawn.

Notice of Intent: MassDEP #172- 0660, 186 Echo Cove Road, Hamilton, MA.

Applicant: Daniel Kowalski

Project: Proposed razing of an existing single-family dwelling and construction of a new single-family dwelling and garage. Most of the proposed work is located within the 100-foot buffer zone.

Wetland Scientist Thorsen Ackerley was present on behalf of the applicant. This property is one of the smaller lots on Chebacco Rd., approximately 11,000 square feet, bordered by residential properties and a 20-foot public way. The property was developed originally in the 1930s with a 650 square foot, one bedroom house. There are some existing decks, floats and docks, and scattered sheds. A new three-bedroom septic system was installed in 2016. The site is mostly lawn, with wetland bordering the lake. The applicant is willing to remove the decks, but would like to build a great room in the "no build zone" on piers (no foundation). The primary house is located upgradient, and has a one car garage, porch, mudroom, etc. The house is currently 8 inches off the ground, the new great room would be a second story on pilings, so there is sunlight underneath. There is no plan to install a dock or float at the waterline and they will revegetate where the dock is. D.Kowalski noted he asked the Zoning Board of Appeals for a variance to try and move the house toward the street, but they were not in favor of granting a variance.

Three trees are proposed to be removed; a mitigation plan was offered.

Chair Baker stated the town has very strict bylaws and the 25 foot no disturb zone is a part of the bylaws. She did not believe there was any latitude as it is not just the building, but people and activity that comes with it also in the no-disturb zone. She was uncertain if the Commission had jurisdiction within the 50 foot no build zone, adding the bylaw stipulates the 50 foot is a no-build zone for a new building, which this is. Unless there is precedent, or there is a hardship according to the bylaw provisions, she does not see how the Commission could approve the design as submitted.

V.Cookson commented they appeared to be maximizing and putting as much as possible on the site. The site is currently wide open with a small house. She would also like the structure to be pulled out of the no-build zone. B.Barstow suggested that the Commissioners do a site walk to see the lot.

He referenced in 2021 the Commission approved a similar house in the no build zone at 140 Echo Cove Road.

Chair Baker asked B.Barstow to request Town Counsel weigh in on the question of what has been approved, and their interpretation of the bylaw. Chair Baker stated she appreciated the difficulties the applicant has experienced; however, the protection of the wetlands was most important and she did not want to forego any authority, and has concerns about setting precedent for allowing projects like this so near the lakefront, which is very damaging to the wetland areas.

- Jerry Zullo, Echo Cove Road, stated the 20-foot way referred to by the applicant is not a private way for him and his neighbor, it is a designated public way for the neighborhood.

D.Kowalski disagreed, stating it is a private way owned by him, and he expressed frustration that the town let him go through this process if the 25 or 50 foot no build zone was an issue. He stated people would see his name on a ballot in the future; he was a selectman in another town for six years and is civic minded.

The Commissioners will do a site visit to the property on July 16, 2025.

Vote: *The Commissioners voted unanimously by roll call to continue the public hearing on 186 Echo Cove Road to July 23, 2025, pending submission of the information requested.*

Request for Determination of Applicability: 55 Berry Circle, Hamilton, MA.

Applicant: John Lara

Project: Proposed construction of freestanding wood deck. Most of the proposed work is located within the 100-foot Buffer-Zone.

The applicant John Lara presented the project to construct a sauna on a deck in the 100 foot buffer zone. He showed a site plan to explain where the proposed sauna would be built on a standalone, 12'x12' deck, next to an existing deck. B.Barstow noted there was no evidence of hydric soil around the site, which is in the upland area. It was also separate from all of the wetland indicators. J.Lara is proposing erosion controls at the site. He showed photos of the site and where the work will take place. The deck will be 20" off of the ground.

Vote: *The Commissioners voted unanimously by roll call to issue a negative determination for 55 Berry Circle.*

MINUTES: May 28, 2025

B.Barstow forgot to post the minutes for review and will be on the next agenda.

ENFORCEMENT ORDERS/VIOLATIONS:

- **Bridge St** – it was noted there were no new updates, and the site appears the same as it did during the problematic rain events several weeks earlier. V.Cookson reported there has been no response to her emails and calls. B.Barstow will contact the representative from the Department of Environmental Protection to get further input.
- **Other Violations** – There were none noted.

NEW/OTHER BUSINESS:

- **HW High School Additional Scope Suggestions/ Requests** – Kyle Rowan of Gale Associates spoke regarding the High School project. The project is nearly complete, and slated to be fully completed in early fall. The School District has asked Gale for some additional work under the existing scope of work and under the existing permit. The scope consists of rejuvenating the two natural grass fields to make them more playable. To do this they will not be stripping the topsoil or doing any earthwork; this activity will fall outside of the 50-foot buffer but within the 75 and 100 foot buffer.

The Commissioners did not see any problems with this.

The second scope is to remove the large storage boxes from the rear of the High School as they are rusting significantly and are not associated with the current project. The District would like to replace all with two newer versions of the storage containers. The work would be within the buffer zone. The containers are used to store athletic equipment; there is no lighting or electricity connected to them. The Commissioners agreed that this represents a de minimis activity outside the scope of the Commission.

- **ECTA – new flow device waiver question** – The Commission referenced an email from ECTA regarding a waiver request. The Commissioners believed that ECTA should submit a Notice of Intent through the usual process.
- **MACC Dues** – The membership will cover all of the Commissioners and they will be able to take classes if they like.

The next Conservation Commission meeting is currently scheduled for July 23, 2025.

Adjournment – *The Commissioners voted unanimously by roll call to adjourn at approximately 9:10pm.*

Documents:

1. [Request for Amended Order of Conditions – Bridge Street & Miles River Road](#)
 1. [Attachment A – Bridge Street & Miles River Road](#)
 2. [Attachment B – Bridge Street & Miles River Road](#)
 3. [Attachment C – Bridge Street & Miles River Road](#)
 4. [Stormceptor Maintenance Guide – Bridge Street & Miles River Road](#)
2. [NOI Request – 45 Central Place](#)
 1. [NOI Form – 45 Central Place](#)
 2. [Building Design – 45 Central Place](#)
 3. [Site Plan Before Addition – 45 Central Place](#)
 4. [Site Plan with Addition – 45 Central Place](#)
 5. [Septic – 45 Central Place](#)
 6. [Asbury Grove Acceptance Letter – 45 Central Place](#)
 7. [Assessors Map – 45 Central Place](#)
 8. [Photo 1](#), [Photo 2](#), [Photo 3](#), [Photo 4](#), [Photo 5](#), [Photo 6](#), [Photo 7](#)
3. [NOI – 186 Echo Cove Road](#)
 1. [Proposed Plot Plan – 186 Echo Cove Road](#)
4. [RDA Submission – 55 Berry Circle](#)
 1. [Surveyor and ArcGIS – 55 Berry Circle](#)
 2. [MassMapper – 55 Berry Circle](#)
 3. [Sauna Description – 55 Berry Circle](#)
5. [HW High School Project Scope Correspondence](#)
 1. [Photo 1](#), [Photo 2](#), [Photo 3](#), [Photo 4](#)
6. [ECTA Flow Control Device Project Description](#)
 1. [Pond Leveler Info Sheet](#)
7. [MACC Membership Roster FY2026](#)

Respectfully submitted by D. Pierotti, Recording Secretary, 7.12.25.

The minutes were prepared from video.