

**Hamilton Conservation Commission  
Minutes of Meeting of September 30, 2009  
Meeting held at Hamilton Town Hall**

Commissioners present when meeting convened at 7:48 p.m.:

Nancy Baker, Virginia Cookson, Robert Cronin, Camilla Rich

Staff present:

Jim Hankin, Conservation Coordinator

Others present for all or portions of the meeting: Hamilton Department of Public Works Superintendent John Tomasz; and Priscilla Davis, Will Fields of Woodbury St.; Rick Clarke, consultant; John Dick, consultant; Mike DeRosa, consultant; Richard Luongo and William Press, potential candidates for open seat on Commission

The Commission is scheduled to meet on Wednesdays Oct. 14 and Oct. 28, 2009. Site walk is scheduled for Saturday Oct. 3, 2009.

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Nancy Baker opened the meeting at 7:48 p.m.

Conservation Coordinator Jim Hankin notified those present that the meeting would be tape recorded, because the minutes secretary was not present. He asked members of the public to state their names and addresses prior to asking questions or offering comments, so the minutes secretary would be able to identify them in the minutes. He noted that prior to this meeting, commissioners received a 2-page letter from consultant Mike DeRosa about restoration planting on an island in Lake Chebacco.

Ms. Baker asked Mr. Hankin to recommend the order in which agenda items should be taken up. Mr. Hankin noted that it is the Commission's practice to first recognize Town officials who have business before the Commission.

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Notice of Intent

Woodbury Street, adjacent to 122 Woodbury Street  
Town of Hamilton Department of Public Works, applicant  
Construction of footbridge over culvert

Nancy Baker opened the public hearing. Hamilton Department of Public Works (DPW) Director John Tomasz recapped details of the construction of a footpath along Woodbury St., a project that has been underway for several years. He said one quarter of the footpath has been completed, at the Bridge St. end of Woodbury. He described work proposed for completion of the project during the fall of 2009. The remainder of the path is to be completed, from the Woodbury St. entrance to Gordon Conwell Theological Seminary (GCTS) to the brook near Essex St. An 8' swath along the road already has been cleared in some spots. The DPW plans to clear the remaining sections, grade as needed, put down a filter barrier to impeded weed growth, and surface the path with mulch. A 6' x 30' wooden bridge is to be installed across the brook; Mr. Tomasz said some stones below the bridge would be rearranged, but none would be added. A catch basin is to be added near curbing at the McWane property. A 300' long asphalt berm is to be added between the existing road and a new section of footpath; Mr. Tomasz said the purposes of the berm are to reduce the chance of cars "wandering" onto the pedestrian path, and to collect

and discharge water. At a curve near the GCTS entrance, the road would be widened up to 2' on one side of the road. Mr. Tomasz said his goal is to complete the work before winter.

Nancy Baker invited commissioners to comment and ask questions. Camilla Rich said she sees many people using the section of path that already has been built; she said she is excited that the project will be completed, and commented that it will make Woodbury Street a little safer.

Ms. Baker asked Conservation Coordinator Jim Hankin to recap information about the state and local permits for this project. Mr. Hankin said the proposal first came to the Commission in 2002, and the Commission granted an Order of Conditions (OOC). An abutter filed an appeal of the OOC and Hamilton Conservation By Law permit, with the state Department of Environmental Protection (DEP). In April 2003, DEP issued a superseding order of conditions (SOC) that incorporated all of the Commission's OOC, and also required that the applicant, the Hamilton DPW, redesign a section of the proposed bike path near the GCTS entrance. The original proposal had the path along the edge of bordering vegetated wetlands (BVW); DEP directed the DPW to move the path completely outside the BVW. The DPW and Meridian Associates submitted a gabion wall design for that stretch of the path, and DEP approved the revised design. The April 2003 SOC lasted until April 2006; it was then extended for 3 years, as was the Hamilton Permit. The state SOC and the local Permit expired in April 2009. Mr. Hankin said he advised Mr. Tomasz to request a Certificate of Compliance for the SOC from DEP, which Mr. Tomasz confirmed he did. Mr. Hankin said the new application is apparently still being processed by DEP; no Certificate for the SOC has been issued as far as he knew. He advised the Commission to continue this matter, pending issuance of DEP comments and a file number.

Ms. Baker asked Mr. Hankin to provide copies of the DEP SOC so Commissioners could check whether the DEP set conditions in that order. She said this would allow the Commission to vote on this project at its next meeting whether or not the DEP issues a file number, because commissioners would know what would be consistent with that document, as project plans have not changed.

Virginia Cookson asked whether a beaver deceiver is working well where it was installed at the culvert under Woodbury St. Mr. Tomasz said it has been effective, and has not been vandalized. He said DPW crews have not had to clean out the culvert as in the past.

Ms. Baker invited the public to comment and ask questions. Priscilla Davis of Woodbury St. expressed concern about the planned widening of one side of the street at a curve near her home, and asked why the DPW plans to do this. Mr. Tomasz said the curve is sharp, and widening one side of the road by up to 2' is intended to create better lines of sight. Ms. Davis suggested drivers might go faster on Woodbury St. as a result. She said she sees nothing wrong with the existing road design; she estimated that some drivers already go up to 30 miles per hour along that stretch of road, and said traffic at this speed already poses problems for her when she pulls out of her driveway. Ms. Davis said she does not object with construction of the path, or associated drainage, just to straightening out that curve in the road. Mr. Tomasz noted the widening has been a specified part of the project since 2003.

He said it would not be a big change; over a distance of roughly 50', the width of the road would widen gradually from the existing edge of the road to 2' wider, and then back to the existing edge of the road. The other side of the road would be unchanged. He said drivers "cut the corner" of the existing turn; the widening of one side is designed to keep drivers from entering the oncoming traffic lane as they navigate that curve.

Will Fields of 122 Woodbury St. asked why the Town wants a paved berm between the existing roadway and the yet-to-be-built section of footpath. He said residents were told that no new paving would take place, and delineation of the path and road would be accomplished with painted lines. Mr. Tomasz said the planned 8" Cape Cod style berm would protect pedestrians; he said without it, cars could wander onto the footpath. Ms. Cookson said the berm would simply be a bump to separate the walkway from the street. Mr. Fields said a lot of water would sheet off both sides of the berm in a big storm; he asked where it would go. Mr. Tomasz said it would drain to wetlands.

Mr. Fields asked why a 6' wide bridge is planned, when the footpath is to be only 4' wide. Mr. Tomasz said the original proposal was for a 6' X 30' bridge constructed with steel I-beams. He characterized this as a "monster bridge," and said he thinks it is unnecessary. He said he has revised the plan, and plans to build a wooden bridge he considers more compatible with the area. Noting that this project was designed and approved before he began working at the DPW, he said he believes the bridge may have been designed 6' wide for handicap accessibility. He said he may reduce its width.

Robert Cronin made a motion to continue this matter to the meeting of October 14. Mr. Tomasz consented to the continuance. Ms. Rich seconded the motion. VOTE: Unanimous.

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Request for Determination

245 Essex Street

Ed Dolan, applicant; Rick Clarke of EPS Associates, representative  
Septic system and house addition at 80' from edge of wetlands

Rick Clarke described the septic system and addition his client Ed Dolan wishes to add to the existing house at 245 Essex St., next to the Meadowbrook Farms farmstand. Work would take place within 100' of an existing stream and manmade pond at the back of the property. The proposed addition would be 85' from the edge of wetlands (EOW) and the proposed septic tank would be 65' from EOW. The leaching field would not come within 100' of EOW. Mr. Clarke said infiltrators would be installed for roof drainage, and hay bales would be placed between the work area and wetlands to control siltation. The septic system would replace an existing cesspool that is 40' from the EOW.

Nancy Baker asked about slope grades at the site. Mr. Clarke said the property slopes from the house toward wetlands, from 108 feet to 94.5 feet. Conservation Coordinator Jim Hankin said the project proposal would place the line of hay bales at the top of a sharp drop in slope. He said he inspected the property Tuesday and confirmed the measurements submitted are accurate. He reported that the area in which work is to take place is currently lawn. The Hamilton Zoning Board of Appeals has approved the project for construction of an in-law apartment addition. Mr. Hankin said the septic and construction proposals are similar to designs the Commission has approved in the past.

Ms. Baker invited commissioners and the public to comment and ask questions. None were forthcoming.

Camilla Rich made a motion for the Commission to grant a negative determination. Robert Cronin seconded the motion. VOTE: Unanimous.

Request for Determination

58 School Street

58 School Street Realty Trust, applicant; Rick Clarke of EPS Associates, representative

Install Title V septic system at 55' from edge of wetlands

Rick Clarke described his client's proposal to replace an existing cesspool at 58 School St. with a septic system. He noted that no addition is proposed to the existing 3-bedroom house. The new septic tank would be 55' from the edge of wetlands (EOW) and the single leaching trench would be 65' from the EOW. He pointed out the location of the trench on a site plan and said he placed it as far from wetlands as is possible on this parcel. He noted that the existing cesspool is closer to wetlands than the proposed leaching trench would be. He said the Hamilton Board of Health has approved the septic design.

Nancy Baker invited comments. None were forthcoming.

Camilla Rich made a motion for the Commission to grant a negative determination. Virginia Cookson seconded the motion. VOTE: Unanimous.

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Notice of Intent (Public Hearing continued from August 12 and Sept. 16, 2009)

236 Moulton Street (Map 42, Lot 43)

Estate of Elizabeth Laughlin, applicant; John Dick of Hancock Associates, representative

Construction of single-family dwelling and septic system

Conservation Coordinator Jim Hankin reported that the applicant's representative has requested a continuance to the meeting of Oct. 14, 2009 because the applicant is amending the filing to shift the proposed location of the septic system.

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Violation Notice

358 Chebacco Road

Michael Pallazola, landowner; Mike DeRosa, representative

Status report, compliance with restoration plan

Mike DeRosa updated commissioners on restoration planting at 358 Chebacco Rd. He said all vegetation has been planted as specified on the plan approved by the Commission. He noted that commissioners inspected the site, with plantings in place, in early September. He said plantings are doing well so far, and monitoring will take place for several years. He apologized to Virginia Cookson for not yet measuring, as she requested, the distance between a newly constructed sitting area and the edge of Lake Chebacco. Ms. Cookson said the sitting area appears closer from the water than she had expected. Mr. DeRosa noted that the approved project plans called for a round seating area, but a square one was built instead.

Mr. DeRosa said that when planting was underway, he discovered that many hemlock trees on the slope between the house and the lake are heavily infested with wooly adelgid beetles. Some of the trees are dead. He said several of the infested trees are within 100' feet of the lake, but most are farther upslope, out of the Commission's jurisdiction. He recommended removal of that many of these infested trees. Ms. Cookson said she would hate to see all the dead trees come down. Mr.

DeRosa said he would prepare further information and relay it to Mr. Hankin. Mr. Hankin said the existing Order of Conditions could be amended to allow removal of infested hemlocks.

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Enforcement Order (Status Report)

Small uninhabited island in Lake Chebacco

Columbia Pictures/Sony Entertainment; Mike DeRosa, representative

Removal of poison ivy and other vegetation in 3-6' strip around 60% of the shoreline of a 100' diameter (rough approximation) circular island

Wetland consultant Mike DeRosa reported that 36 shrubs would be planted within days to stabilize soils where unauthorized clearing took place on a small island in Lake Chebacco during recent filming of a Columbia Pictures movie. He said a mix of low-bush and high-bush blueberries, winterberry, silky dogwood, and other species (full list on file in Commission office) would be planted within a week of this meeting. He said he would take post-planting photos and deliver them to the Commission office during the week following the meeting. Nancy Baker invited comments; there were none.

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Notice of Intent

434 Cutler Road

Jack Stevenson, applicant; Mary Rimmer, representative

Culvert work at pond and Black Brook

Wetland consultant Mary Rimmer distributed site plans of proposed culvert work to restore normal water levels at the outlet of a pond at 434 Cutler Rd. She said the 50-year-old existing 12" culvert pipe through a narrow berm alongside the pond has failed, and the water level has risen about 1.5 feet. She said beaver activity in the area is compounding the problem; beavers are trying to build up the berm. Ms. Rimmer noted that the state Department of Environmental Protection has not yet issued a file number for this proposed project.

Ms. Rimmer pointed out the site and access route on a site plan. Owner Jack Stevenson proposes construction of a temporary construction path so vehicles and workers could reach the site to install sheathing around the existing outlet structure, dewater the area immediately around the culvert outlet, excavate and remove the existing outlet structure including the failed 12" culvert pipe, and replace it with 12" PVC pipe. Water would be pumped out with a 3" pump, filtered through a filter sock, and discharged into wetlands. Riprap would be added at the culvert outlet, from which the land slopes 2' to 3' to wetlands. The construction crew would clean up the area, restore grades, remove construction matting, and reseed disturbed areas. A 6" elm tree on the bank of the pond would obstruct construction, so the owner requests permission to cut it down. Ms. Rimmer said the project could be completed in several days, and perhaps in just one day. To access the site, the owner has asked the Winthrop family for permission for construction vehicles to cross their neighboring property.

Nancy Baker invited commissioners to comment and ask questions. Conservation Coordinator Jim Hankin noted that commissioners are scheduled to inspect the site on Sat. Oct. 3. He asked whether Mr. Stevenson wishes to install a beaver deceiver. Ms. Rimmer said the narrative portion

of the Notice of Intent mentions this intention, but does not present a specific design. She said this might be undertaken in fall 2009.

Ms. Baker said commissioners would have more questions during the site visit. Ms. Rimmer said she would meet commissioners at the site, as would a representative of the construction company that would do the work.

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Conservation Coordinator recognized the presence of two Hamilton residents interested in the open seat on the Commission, Richard Luongo and William Press. He introduced them to commissioners, and invited them to come along as observers when commissioners make site inspections on Saturday morning Oct. 3.

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Request for Determination

Colt Island, Ipswich River

Foote Brothers, landowner; Peter Sacco, applicant

Install one kiosk on 2 4' x 4' posts, all hand work

Peter Sacco described to commissioners his proposed Eagle Scout service project, the Ipswich River Recreation Project. He said he is a junior at Masconomet Regional High School, and a member of Scout Troop 81. His proposed project is to promote conservation and recreation on and around the Ipswich River by making six kiosks and placing them at six existing canoe launches along the river, in four towns. The kiosks would display environmental education material.

Mr. Sacco requested permission to install a kiosk on Colt's Island, which is part of Candlewood Island. He said this would be the only one of the kiosks located in Hamilton.

Virginia Cookson asked Mr. Sacco what he would post on the kiosks. He said one side of each kiosk would have a permanent display about a particular environmental aspect of the Ipswich River, and the other side would have information that would be updated periodically, such as canoe safety rules, and notices about trees fallen in river or other hazards. He said the Middleton Stream Team and Ipswich River Watershed Association are sponsoring his proposed project, and would update the posted information periodically.

Mr. Sacco said the details are still in the works, but he expects the permanent display on the kiosk proposed for Colt Island would provide information about the meadow and birds along the river, because the stretch of the river near Colt Island lies within the Ipswich River Wildlife Sanctuary. Each kiosk would have a different permanent display, so boaters who encountered all the kiosks would become educated about six different aspects of the river. Mr. Sacco said he has applied for permits from each of the towns in which a kiosk would be located.

Ms. Cookson asked whether the wood that would be used might leach harmful chemicals. Mr. Sacco replied that such chemicals are not present in the pressure treated wood now being manufactured.

Nancy Baker noted the island is in resource area, and asked how the Commission should phrase authorization for work there. Conservation Coordinator Jim Hankin said a box that can be checked off on the state permit form to indicate that although the area in which work would take place is in a resource area, the work would not impact any of the interests addressed by the Wetland Protection Act (WPA).

Camilla Rich made a motion for the Commission to issue a positive determination that indicates that the activity proposed does not adversely impact the interests of the WPA and the Hamilton Conservation By Law. Robert Cronin seconded the motion. VOTE: Unanimous.

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Proposed budget, 2009-2010 Environmental Education Program

Massachusetts Audubon Society and Hamilton-Wenham Regional School District

Camilla Rich made a motion for the Commission to contribute to the budget for the Hamilton-Wenham Regional School District's 2009-2010 Environmental Education Program. Robert Cronin seconded the motion. VOTE: Unanimous.

Conservation Coordinator Jim Hankin noted that each year the school district requests contributions from the conservation commissions of Hamilton and Wenham.

Robert Cronin made a motion for the Commission to accept the minutes of July 29 and Aug. 12, 2009 as presented. Camilla Rich seconded the motion. VOTE: Unanimous.

Ms. Rich made a motion for the Commission to adjourn at 8:53 p.m. Mr. Cronin seconded the motion. VOTE: Unanimous.

Minutes submitted Oct. 6, 2009 by Ann Sierks Smith