

Kingston Conservation Commission Minutes

November 20, 2007

- 7:00p.m.** The chairman called the meeting to order
Present: Gary Langenbach (chairman), Sue Chamberlain, Marilyn Kozodoy, William Underhill, James Dehner
Staff: Maureen Thomas, Conservation Agent and Brandi Gordon, Secretary
- Discussion regarding the Jones River Watershed Association application for the Mass Riverways Grant and US Fish and Wildlife Foundation Grant for restoration of Pine Brook
- James Dehner motioned to issue a grant support letter to the Jones River Watershed Association.
William Underhill seconded the motion.
- 7:01p.m.** **VOTE: 5-0-0**
- Reviewed the draft minutes of September 18, 2007
- Marilyn Kozodoy motioned to accept the minutes of September 18, 2007 as corrected.
William Underhill seconded the motion.
- 7:03p.m.** **VOTE: 5-0-0**
- 7:03p.m.** **William Kavol arrived.**
- Reviewed the draft minutes of October 2, 2007
- The chairman recused himself from the Elm Street section of the minutes
- William Underhill motioned to accept the minutes of October 2, 2007 as corrected.
James Dehner seconded the motion.
- 7:06p.m.** **VOTE: 6-0-0**
- Reviewed the draft minutes of October 16, 2007
- James Dehner motioned to accept the minutes of October 16, 2007 as corrected.
Sue Chamberlain seconded the motion.
- 7:09p.m.** **VOTE: 6-0-0**
- Agent Updates:
- Station Street – removing brush and burning in January
 - 49R Main Street – Enforcement Order
 - Coughlin Commons
 - Tarkiln Road Updates
 - Smelt Pond Bogs – letter from Phoenix Environmental regarding the filing of an RDA

- MEPA filing – 40R – review / round table – comments due 12/12/07

Discussion regarding 24 Sunset Road letter from Paul Armstrong (Building Inspector)

7:25p.m.

Informal Meeting – Cranberry Crossing

Present: Bruce Babcock, Mark Manganello, David Baker

David Baker gave history of the purchase, company and stated that they were trying to increase the visibility of Cranberry Crossing.

Mark Manganello described the area where Mile Brook was relocated. He stated that there would be a restoration plan that included improving the flow of water in Mile Brook and remove invasive species.

Bruce Babcock stated that they were looking to perform selective clearing, remove invasive species, plant native plantings, restore the stream, remove any trash and debris and re-grade the areas that were ponding.

James Dehner asked what species would benefit from the proposed restoration.

Mark Manganello stated that they would need a more thorough review of the upgradient and downgradient species.

James Dehner asked if there would be chemical spraying for removal of the phragmites.

Mark Manganello stated that they could perform chemical spraying or could cut the phragmites during certain times of the year.

Bruce Babcock stated that it was their intent to file a Notice of Intent and put together a comprehensive plan.

Marilyn Kozodoy asked how they would prevent eliminating all of the shade for the habitat.

Mark Manganello stated that trees 8' – 10' in height would not be removed.

The chairman asked if they had thought of improving the drainage system.

Bruce Babcock stated that they could look at replacing the leaching system.

The chairman asked if there was a maintenance program for the catch basins.

David Baker stated that the catch basins had been cleaned out since they had bought the property.

Bruce Babcock stated that there was a restriction on the Orders of Conditions in support of the Board of Health to not allow any restaurant in the building. He stated that they were going before the Board of Health for the issue.

7:51p.m.

Continued a Public Hearing for a Notice of Intent for 24 Sunset Road, Map 59, Lot 8 & 10

Present: Dr. Courtland Harlow, Daniel Harlow, Mrs. Harlow, Courtland Harlow III

The chairman explained to the applicant that the Commission could rule on the current proposal or the applicant could amend their filing to change all of the foundation to meet building code. Paul Armstrong issued two letters to the Conservation Commission and the chairman read them aloud to the applicant and public.

Discussion regarding the entire foundation meeting code for the velocity zone

Maureen Thomas stated that the Commission was required to uphold the interests of the Wetlands Protection Act when approving a project.

Maureen Thomas also stated that the Commission would normally receive a profile of the foundation when it is located in the velocity zone.

The chairman stated that the Commission would need to know what was going to be done and how.

Mrs. Harlow stated that the structural engineer agreed that the structure was capable of withstanding storm surge.

The chairman stated that the Commission could rule on the current proposal or continue the Public Hearing for the applicant to submit the necessary information.

Marilyn Kozodoy motioned to continue the Public Hearing.
Sue Chamberlain seconded the motion.

8:10p.m.

VOTE: 6-0-0

Continued to January 8, 2008 @ 7:30p.m.

8:10p.m.

Opened a Public Hearing for a Request for Determination of Applicability for Elm Street, Map 55, Lot 1

Present: Maureen Thomas

Maureen Thomas presented the proposal for the reconstruction of the dock and resetting of the walkway stones to the Commission. She stated that they would be receiving a new estimate for the work.

James Dehner motioned to issue a Negative Determination of Applicability with conditions.

William Underhill seconded the motion.

8:15p.m.

VOTE: 6-0-0

James Dehner motioned to close the Public Hearing.

William Underhill seconded the motion.

8:16p.m.

VOTE: 6-0-0

8:16p.m.

Informal Meeting regarding the Senior Center with the Senior Center Building Committee

Paul Gallagher discussed history of the site and project. He stated that he felt confident that if they addressed some of the original issues that they could develop a plan that works with the site.

Renny Chapman stated that he was asked by the town in early 2007 to perform a topo survey, delineate the wetlands and address the potential vernal pools which was based on a field survey in late winter / early spring. He presented a plan to the Commission.

The chairman stated that when the Commission first saw the original plan, the Commission went out on site and found wood frog egg masses. He also stated that Carr Research verified this finding.

Renny Chapman asked if the area where the debris pile was located would be considered disturbed. He gave conceptual drawings to the Commission.

Renny Chapman presented the 52 parking space concept to the Commission.

Renny Chapman presented the 53 parking space concept to the Commission.

Renny Chapman stated that the University of New Hampshire performed studies on porous pavement and there has been no maintenance required for the past three years. He stated that if they used porous pavement, there would be no increase in runoff, but they would need to address roof runoff.

Paul Gallagher stated that Jack Burrey was able to develop this concept to keep within most of the wetland boundaries. He stated that it was the only site that could be used and is becoming a monetary issue.

James Dehner asked how porous pavement would handle a storm event and asked if there would be sheet flow.

Renny Chapman stated that there would be a two percent slope and the pavement would be pitched with the high point in the middle of the pavement. He also stated that there would be four inches of porous pavement and crushed stone underneath. Some fill is expected on site to create even grades.

James Dehner asked if they could turn the building slightly to keep it out of the 25' no disturb buffer zone.

Jack Burrey described the area of the proposed building with the patio.

Renny Chapman stated that the Fire Department had requested a walkway around the building in the past.

The chairman stated that porous pavement only works when it is vacuumed with a vacuum truck. He stated that there was some flexibility because it was a disturbed site. He stated that he would like the building moved away from the vernal pool and 25' no disturb buffer since that area was not fill in an undisturbed state.

Paul Gallagher stated that he would like recommendations from the Commission to give to BSC Group.

The chairman stated that rain gardens could be placed within the 25' no disturb or the front of the building and the building could be moved 25' from the wetland line. Parking along the sides of the property could possibly be moved into the 25' no disturb area in areas that have been previously disturbed.

Maureen Thomas asked if the rear of the building was still proposed to be filled.

Jack Burrey stated no.

Maureen Thomas stated that the mean annual high water needed to be determined for the vernal pool.

Dan Sapir, a resident of Kingston, asked if these discussions were suggesting that the site could be viable.

The chairman stated that it could be a viable site if there was a net gain in protection of the interests of the Wetlands Protection Act.

Renny Chapman asked if the Commission was receptive to angled parking versus the fifty two spaces and move the building south and east.

Jack Burrey stated that the building could be rotated slightly.

The chairman suggested that BSC Group determine what areas on the site are filled areas.

Maureen Thomas stated that an Abbreviated Notice of Resource Area Delineation (ANRAD) would be a good idea because there was more delineation that needed to occur. She explained what an ANRAD would entail.

Discussion regarding ANRAD filing and process and concerns about a timeframe since they want to put the project out to bid in January

9:24p.m.

Opened a Public Hearing for a Request for Determination of Applicability for Route 3.

Present: Tom MacGuire, George Ayoub

Tom MacGuire submitted supplements to the filing to the Commission. Tom MacGuire presented the project to the Commission.

Sue Chamberlain asked if the catch basins would be addressed if they were not in good shape.

Tom MacGuire stated that they would rebuild catch basins if needed.

Maureen Thomas asked how they would clean out the drainage structures if they were repairing them.

George Ayoub stated that they would be cleaned out by hand.

Maureen Thomas asked if there was a point when they would improve a catch basin for NPDES Phase II when having to rebuild a catch basin

Tom MacGuire stated that they would look at the catch basins when Route 3 would be completely re-paved.

The chairman stated that between exit 9 and exit 8 southbound there were a lot more wetlands (headwaters of First Brook and the MBTA wetland replication areas). He stated that he would like to see haybales placed in these areas.

James Dehner stated that he thought the duration of the project was too short to merit installation of haybales.

Maureen Thomas stated that if the project would be done within two days that haybales would be excessive.

- William Underhill motioned to issue a Negative Determination of Applicability with conditions.
Marilyn Kozodoy seconded the motion.
9:45p.m. VOTE: 6-0-0
- William Underhill motioned to close the Public Hearing.
Marilyn Kozodoy seconded the motion.
9:45p.m. VOTE: 6-0-0
- 9:50p.m. Continued a Public Hearing for a Notice of Intent for Cole Avenue, Map 58, Lot 105**
Present: No applicant or representative present
- Maureen Thomas stated that she measured from the limit of work to the top of the bank of the stream and that there were no flags on the site.
- Marilyn Kozodoy motioned to have the wetland line re-defined on the site.
William Underhill seconded the motion.
9:53p.m. VOTE: 6-0-0
- Marilyn Kozodoy motioned to continue the Public Hearing.
William Underhill seconded the motion.
9:53p.m. VOTE: 6-0-0
Continued to January 8, 2008 @ 7:45p.m.
- William Underhill motioned to adjourn.
Marilyn Kozodoy seconded the motion.
9:54p.m. VOTE: 6-0-0