

Kingston Conservation Commission Minutes

February 20, 2007

7:00p.m. The chairman called the meeting to order.
Present: Gary Langenbach (chairman), Marilyn Kozodoy, James Dehner, William Underhill, Sue Chamberlain
Staff: Maureen Thomas, Conservation Agent and Brandi Gordon, Secretary

Discussion regarding appraisal for MacFarlane Property

Marilyn Kozodoy motioned to spend up to \$500 more for the appraisal of the MacFarlane Property from the Conservation Fund.
William Underhill seconded the motion.

7:07p.m. VOTE: 5-0-0

Discussion regarding the first meeting of the Conservation Land Review Committee

7:11p.m. William Kavol arrived.

Discussion regarding the mission of the Conservation Land Review Committee

7:16p.m. Doug Dondero arrived.

Reviewed the minutes of December 19, 2006

William Underhill motioned to accept the minutes of December 19, 2006 as corrected.

7:23p.m. VOTE: 7-0-0
Marilyn Kozodoy seconded the motion.

Discussion regarding budget cuts

Agent Updates:

- email regarding Indian Pond Estates to Mark Flaherty, engineer
- visit with Steve Hurley to 3rd Brook
- court hearings
- School Street smell of methane
- Tarkiln Road (pre-file direct testimony)
- Lot abutting Hathaway Property (1.5 acres)
- MACC Conference March 3rd
- Blackwater Swamp walk February 21, 2007 @ 12:00p.m.

7:35p.m. Continued a Public Hearing for a Request for Determination of Applicability for 68 Evergreen Street, Map 36, Lot 122
Present: Bob Crowell

Maureen Thomas stated that she asked George Williams to place the planks used for stream protection perpendicular to the stream. She also stated that the silt fence needed to be reinstalled along the edges of the stream and mentioned that they would demo only to the slab.

Sue Chamberlain requested haybales around the gully.

Bob Crowell stated that he felt haybales would keep the equipment from encroaching on the wetlands as well as using them as erosion control measures.

James Dehner stated that the silt fence could not be installed properly until the ground thawed.

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

7:42p.m. VOTE: 6-0-1 (William Underhill abstained)

Sue Chamberlain motioned to issue a Negative Determination with conditions.
Marilyn Kozodoy seconded the motion.

7:43p.m. VOTE: 6-0-1 (William Underhill abstained)

7:45p.m. Continued a Public Hearing for a Notice of Intent for 2 Main Street, Map 68, Lot 61

Present: Kevin Grady

Maureen Thomas stated that she was unsure about the wetland line.

Kevin Grady stated that they would have to review the area in question.

Maureen Thomas requested the area down slope of the wetland line be cleaned.

Sue Chamberlain asked about drainage from the building.

Kevin Grady stated that the roof drains would go into the drainage system.

James Dehner asked if the building was on a slab.

Kevin Grady stated that there was a walk out basement.

James Dehner asked if a sump pump would be needed.

Kevin Grady stated that he did not think a sump pump would be needed because there were sandy soils.

James Dehner stated that there should be a condition stating that if a sump pump was needed that they would need to come back before the Commission.

The chairman asked why the building could not be moved.

Kevin Grady stated that the building could not be moved due to zoning setbacks.

The chairman requested that permanent conservation posts be installed once the wetland line has been established.

William Underhill motioned to continue the Public Hearing.
Marilyn Kozodoy seconded the motion.

8:01p.m. **VOTE: 6-0-1 (William Underhill abstained)**
Continued to 3/6/07 @ 7:20p.m.

8:02p.m. Continued a Public Hearing for a Notice of Intent for Cushman Drive and Hilltop Avenue

Present: Tom Costa

Maureen Thomas requested that silt fence be installed due to the native brook trout habitat.

Discussion regarding the need for an 8" pipe

Maureen Thomas request silt fence along the edge of the pavement.

The chairman requested that NSTAR dry cut the pavement and sweep the area each day.

Discussion regarding DEP file number not yet received

William Underhill motioned to continue the Public Hearing.
James Dehner seconded the motion.

8:15p.m. **VOTE: 6-0-1 (William Underhill abstained)**

8:15p.m. Continued a Public Hearing for a Notice of Intent for 36 Brook Street, Map 56, Lot 56

Present: Steve Kotowski

Steve Kotowski reviewed the project with the Commission.

Discussion regarding the septic system

Maureen Thomas requested that a crushed stone construction entrance be installed.

Discussion regarding a pipe for the drainage of the pool

Sue Chamberlain motioned to close the Public Hearing.
William Underhill seconded the motion.

8:24p.m. **VOTE: 6-0-1 (William Underhill abstained)**

Sue Chamberlain motioned to issue Orders of Conditions with special conditions.
Marilyn Kozodoy seconded the motion.

8:25p.m. **VOTE: 6-0-1 (William Underhill abstained)**

8:28p.m. Informal Meeting – Stony Brook Falls Maple Street Fish Ladder
Present: Bill Jeffries, Peter Conant

Bill Jeffries stated that they would like to discuss the proposal of a reduction in the number of filled wetlands, relocation of the proposed replication and the requirement of a fish ladder.

Peter Conant presented an aerial photo to the Commission. He reviewed the project history and what triggered MEPA reviews. He stated that his engineers told him that the Elm Street fish ladder design would not work at the Stony Brook location and that it could cause a two year delay with the permitting process for the fish ladder. He stated that he would like to explore removing the condition of

the fish ladder by possibly having someone else permit it later or investing money for another project. He stated that he was not willing to wait six months to evaluate the fish passage.

Maureen Thomas stated that at the meeting that included Pine duBois and herself, Peter Conant had stated that he would do whatever it takes to go ahead with the fish ladder. She asked what had changed in three days.

Peter Conant stated that he had met with people from Epsilon and they had informed him that it would cause a two to three year delay. He stated that he was under the impression it would take six to eight months.

Maureen Thomas stated that Mr. Conant had mentioned that the Conservation Commission had come up with a \$40,000 estimate for the fish ladder which she did not recall.

The chairman stated that the \$40,000 was an estimate for repairing a fish ladder.

Maureen Thomas asked what progress had been made on the fish ladder.

Peter Conant stated that the appeal to DEP had stopped the process. They had the design created for the fish ladder and figured the cost. He stated that he would like to honor the commitment in some fashion.

Maureen Thomas asked who designed the fish ladder.

Peter Conant stated that he and Dale Harris had designed the fish ladder. He also stated that constructing the fish ladder was not the problem but the amount of time for permitting had become an issue.

The chairman asked when they were planning on restoring the dam.

Peter Conant stated that they may not restore the dam.

Maureen Thomas referred to an email from the Mass. Division of Marine Fisheries stating that they could go on site at the end of March / beginning of April.

Bill Jeffries stated that they agreed to build a fish ladder, not the permitting process.

Maureen Thomas stated that you would have to obtain permits in order to build a fish ladder.

Sue Chamberlain asked if the applicant would consider removing the dam.

Peter Conant stated that they would not consider removing the dam because it would trigger a Chapter 91 review.

The chairman stated that many decisions made by the Commission were influenced by the agreement to build a fish ladder. He also stated that the project would not have been permitted without the agreement of the fish ladder.

Fred Carol, an abutter, stated that there were time constraints. They spent a year on the variance from the Zoning Board of Appeals. They still want to be

responsible for the financial commitment, but the amount of time to acquire permits is the issue.

Maureen Thomas asked if there was a portion of filled tidelands.

Peter Conant stated that it had not been determined yet.

The chairman stated that Conservation could help the applicant by working with the other agencies to expedite the permitting process.

Discussion regarding time frame of appeal, permits, etc.

Sue Chamberlain stated that she had a lot of concern with the river habitats and this would be an opportunity to help the situation.

Fred Carol stated that the 21E site was contaminating Stony Brook. He also stated that the applicant should be allowed to place money in escrow and allow permitting to take place during construction.

Peter Conant stated that Gale Associates estimated that the permitting would cost \$150,000 and the construction of the fish ladder would cost \$75,000.

Discussion regarding sequence of permitting

The chairman stated that the main concern was that if the (mitigating) fish ladder were not constructed, the project would be doing more harm than good.

William Underhill stated that the permitting could begin while the project was being constructed.

The chairman stated that they need to come to an agreement for money in escrow and engineering plans.

Maureen Thomas asked how the permitting was going to occur.

The chairman stated that Peter Conant would need to go thru the permitting process and see how much progress has been made when they need an occupancy permit.

William Underhill motioned to adjourn.
Marilyn Kozodoy seconded the motion.

9:15p.m.

VOTE: 7-0-0