

Kingston Conservation Commission Minutes

March 16, 2010

7:00p.m. **The chairman called the meeting to order.**

Present: Gary Langenbach (chairman), Sue Chamberlain, Ryan Overholt, Daniel King, William Underhill

Staff: Maureen Thomas, Conservation Agent and Brandi Gordon, Secretary

Informal meeting with Olly DeMacedo regarding the property owned by George Hall that abuts the Pottle Street Fields

Olly DeMacedo discussed history of the property with the Commission. He stated that the 43 acre parcel has a purchase and sale signed between himself and the property owner for \$150,000 which is transferrable to the town. He stated that George Hall currently has a forestry plan for the property which will expire in five years. He currently has a paintball group use the property and would like them to be able to continue using the property until the five year forestry plan expires. He discussed the possibility of obtaining an easement with the MBTA to Brookdale Street which would allow for a second access to the Pottle Street ball fields.

The chairman stated that widening of the easement could be an issue if it involved filling over 5,000 square feet of wetlands. Anything above 5,000 square feet could not be permitted by just the Conservation Commission. He discussed Native American artifacts being found during the construction of the ball fields.

Calista Property – memo drafted to the Community Preservation Committee was read aloud

7:30p.m. Main Street, Map 58, Lots 92, 94, 96, 97 & 110 – Opening of the Public Hearing has been postponed by the applicant to April 20, 2010 @ 8:30p.m.

Informal meeting with Pine duBois and Alex Mansfield regarding Triphammer Park

Pine duBois stated that they had filed an Environmental Notification Form with MEPA and the comment deadline was April 9, 2010. She updated the Commission on the current conditions of the area with the significant rainfall that had occurred. She stated that she was drafting the purchase and sale so that the land could be transferred to the Town of Kingston. The Conservation Restriction (CR) was also being drafted and the attorneys thought that if the town held the CR in the early stages, then the town could transfer the CR to another holder at the time of deed transfer. The deed would be held in escrow for when the town decided to take the land.

Discussion

William Underhill motioned to issue a letter to the Board of Selectmen recommending the acceptance of the Conservation Restriction for Triphammer Park.

Sue Chamberlain seconded the motion.

7:54p.m.

VOTE: 5-0-0

7:55p.m.

Opened a Public Hearing for a Notice of Intent for Off Elm Street, Map 62 Lots 5 thru 13, Map 71 Lots 1 thru 10 and 12 thru 21, Map 79 Lots 2 thru 4

Present: Deborah Keller (McKenzie Engineering), Peter Opachinski, Dana Miller

Deborah Keller presented the proposed project to the Commission and the public.

Maureen Thomas stated that the stormwater had been reviewed for the Planning Board but our standards are different. She asked if the Commission would like to review a copy of the stormwater review first or hire a consultant.

The chairman stated that it would be timelier to hire someone to review the stormwater with conservation issues in mind.

Deborah Keller stated that Tibbetts Engineering had reviewed the report under the Stormwater Management guidelines for the Department of Environmental Protection (DEP).

The Chairman stated that the Conservation Commission regulations require containment and treatment for storm water runoff of a 100 year storm. The Commission has waived these regulations on occasion when design for LID systems is used in areas where it is difficult to design a system to hold the 100 year storm. In addition, encroachment into the 25 ft. no-disturb zone for resource areas and the 100 ft. no-disturb zone for vernal pools would be an issue. Potential vernal pools must also be determined.

Maureen Thomas recommended a site visit after Dan Wells finished the assessment of the potential vernal pools.

Joel Michaud from 28 South Street stated that with the recent rainfall they could not walk from the pond to the road line. He stated that his property was the lowest point and he was concerned about where the overflow of the detention basins would be directed and with the additional runoff created from the development. He showed pictures to the Commission on his laptop and stated that he would email them to the Conservation Agent.

Daniel King motioned to continue the Public Hearing.

William Underhill seconded the motion.

8:20p.m.

VOTE: 5-0-0

Continued to April 20, 2010 @ 7:30p.m.

8:22p.m.

Opened a Public Hearing for a Notice of Intent for 39 Landing Road, Map 47, Lot 2

Present: Pine duBois – representative, Alex Mansfield, Michael Burry

Pine duBois gave history of the property and the existing boat houses. She presented the project to the Commission and the public. She stated that there would be 8 pilings hand augured and the excess marsh soils would be packed back around the holes.

Michael Burry stated that they would be re-using the existing materials and only would replace the rotted areas.

Maureen Thomas asked if there were existing pilings.

Michael Burry stated that there were existing pilings but he was not sure about their condition.

Pine duBois stated that the area was a transition marsh and would like to begin the eradication process for the phragmites.

William Underhill asked how phragmites spread.

Pine duBois stated that the phragmites develops a root system and that herbicide would be needed due to the extensive root growth. She stated that the access to the area would be from the existing drive next to 33 Landing Road but on 39 Landing Road.

Michael Burry stated that if a small machine was needed to drill the pilings, then boards or mats may need to be used closer to the water.

Maureen Thomas asked if any dewatering would be needed for the pilings.

Pine duBois stated no.

Maureen Thomas asked if the boat house needed to comply with the existing building codes since it is considered a historic structure.

Michael Burry stated that there were provisions for historic buildings and if they are listed on the MA Historic National Register of Historic Places they would not need to comply with any building codes. They are less stringent on out buildings.

Maureen Thomas stated that she had contacted the Department of Environmental Protection (DEP) regarding the application of herbicides in a wetland. They stated that a BRP water management license 04 was needed which could be a condition of the Orders.

Maureen Thomas reviewed comments received from DEP when the file number was issued.

Daniel King motioned to close the Public Hearing.

William Underhill seconded the motion.

8:52p.m.

VOTE: 5-0-0

Sue Chamberlain motioned to issue Orders of Conditions with special conditions.
Daniel King seconded the motion.

8:53p.m. VOTE: 5-0-0

8:53p.m. Opened a Public Hearing for a Request for Determination of Applicability for 10 Braintree Avenue, Map 59, Lot 35

Present: Peter Alsheimer – representative, Pamela Slot – property owner

Peter Alsheimer presented the project to the Commission and the Public. The chairman asked what size footings would be used.

Peter Alsheimer stated that 12” sona tubes would be used. He stated that originally the sona tubes were set into 4x4’s. He stated that the same amount of sona tubes would be used but one would be relocated.

Maureen Thomas stated that the deck would be completely rebuilt in its original footprint. It could be approved with a Negative Determination of Applicability with one condition regarding the placement of excess soil.

Daniel King motioned to close the Public Hearing. William Underhill seconded the motion.

9:00p.m. VOTE: 5-0-0

Sue Chamberlain motioned to issue a Negative Determination of Applicability with conditions.

William Underhill seconded the motion.

9:00p.m. VOTE: 5-0-0

9:01p.m. Opened a Public Hearing for a Notice of Intent for Parting Ways Road, Map 105, Lot 6

Present: Christian Farland – Representative, Tom Rego, Peter Opachinski

Christian Farland presented the project to the Commission and the public.

Maureen Thomas stated that at the meeting for the previous ANRAD filing, the Commission discussed obtaining consultant funds from the applicant to review the isolated vegetated wetlands for this filing.

The chairman stated that he could not remember ever allowing a water main within 100’ of a vernal pool or within a wetland. He stated that they need to have the potential vernal pools reviewed. The chairman asked if there were any alternatives.

Christian Farland stated that the alternative would add an additional 2000 linear feet which would be an economic hardship.

Discussion

The chairman stated that this time of the year is when potential vernal pools would be reviewed. Delineating a vernal pool is time sensitive.

Maureen Thomas read the letter received from the Water Department dated

March 11, 2010.

The chairman asked if the Water Department preferred one plan or only approved one plan.

William Underhill motioned to ask the applicant for consultant funds in the amount of \$1500.00 to review the isolated vegetated wetlands.

Sue Chamberlain seconded the motion.

9:33p.m.

VOTE: 5-0-0

Christian Farland stated that he would be filing a waiver request for the 25' and 100' no disturb zones.

Discussion regarding the review of potential vernal pools

Sue Chamberlain motioned to continue the Public Hearing.

Daniel King seconded the motion.

9:41p.m.

VOTE: 5-0-0

Continued to April 20, 2010 @ 8:00p.m.

Discussion regarding a request by Boy Scout Troop 49 to camp at Hathaway Preserve from April 9, 2010 – April 11, 2010

William Underhill motioned to allow Boy Scout Troop 49 to camp at Hathaway Preserve from April 9, 2010 – April 11, 2010.

Sue Chamberlain seconded the motion.

9:45p.m.

VOTE: 5-0-0

Discussion regarding Milliken's Landing – hiring an engineer

Sue Chamberlain motioned to hire Paul Brogna – Seacoast Engineering for Milliken's Landing.

William Underhill seconded the motion.

9:48p.m.

VOTE: 5-0-0

Discussion regarding issuing a support letter for the purchase of the George Hall property with CPA funds

Sue Chamberlain motioned to issue a support letter for the purchase of the George Hall property with CPA funds.

William Underhill seconded the motion.

9:52p.m.

VOTE: 5-0-0

Daniel King motioned to adjourn.

Sue Chamberlain seconded the motion.

9:53p.m.

VOTE: 5-0-0