

Kingston Conservation Commission Minutes

March 20, 2007

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

Discussion regarding drafting a letter to the Senior Center Building Committee offering feedback on the potential land purchase (MacFarlane Farm) prior to Town Meeting

James Dehner motioned to sign a letter offering assistance to the Senior Center Building Committee regarding the potential land purchase and any conservation issues it may have.
Marilyn Kozodoy seconded the motion.

7:05p.m. **VOTE: 4-0-0**

The Commission scheduled the continuance for the review of the Kingston Wetland Protection Regulations to May 1, 2007 @ 8:00p.m.

7:05p.m. **Sue Chamberlain and Doug Dondero arrived.**

Agent Updates:

- Meadow Brook Garden Center – alternative erosion control demonstration

7:10p.m. **William Kavol arrived.**

Agent Updates:

- budget cut of \$3300 if override does not pass at Town Meeting

William Underhill motioned to grudgingly support the reduction of \$3300 in personal services.

Marilyn Kozodoy seconded the motion.

7:26p.m. **VOTE: 7-0-0**

Agent Updates:

- informal meetings vs. formal meetings
- 208 Brookdale Street farmstand
- Winthrop Street cranberry bog

7:30p.m. Informal 40R Meeting

Present: Kara Brewton

Kara Brewton stated that the ramp access from Mass Highway would be the only issue to file for with the Conservation Commission. She stated that there was a wetland on Mass Highway land that appears to be isolated. The Design Review Committee agreed to have LEED certification which included addressing stormwater management.

The chairman asked what the percentage of open space would consist of.

Kara Brewton stated that they could allow up to 20% of the area to be open space. There would be no run off on site. Stormwater would be infiltrated to the Smelt Brook area.

William Underhill asked if the central water feature would have an inlet and an outlet.

Kara Brewton stated that the central water feature would have many inlets.

Doug Dondero asked how close the project would be to groundwater.

Kara Brewton stated that there was quite a large distance to groundwater.

Maureen Thomas asked for a copy of the definition of open space.

Discussion regarding the proposed southbound ramp for access to Route 3

8:00p.m. Opened a Public Hearing for a Notice of Intent for 51 Indian Pond Road, Map 73, Lot 5

Present: Al Vautrinot, Orié Fontaine

Al Vautrinot presented the project to the Commission and the public.
The chairman asked if part of the driveway was just inside the 100' buffer zone.

Al Vautrinot stated that it was in a zone where they will need a MESA permit.

The chairman asked if the proposed addition was centered on the existing house.

Orie Fontaine stated yes.

Sue Chamberlain asked how runoff from the roof would be addressed.

Al Vautrinot stated that they could install drywells at the gable end of the house.

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

8:11p.m.

VOTE: 7-0-0

Continued to April 3, 2007 @ 7:30p.m.

Site Visit March 26, 2007 @ 5:00p.m.

8:15p.m.

Continued a Public Hearing for a Request for Determination of Applicability for 35 Howlands Lane, Map 59, Lot 2

Present: Dr. and Mrs. Harlow

Maureen Thomas stated that the Commission performed a site visit and observed cutting within the buffer zone approximately 95' from the top of the coastal bank. She stated that there were habitat areas which included burrows, deer tracks, and nests. There was some encroachment to the 25' no disturb buffer zone along the driveway. She suggested that the area be restored to the 25' no disturb buffer zone with native plants.

The chairman asked about the status of the wetland flagging.

Dr. Harlow stated that they would be on site on Monday.

Maureen Thomas stated that there will have to be a follow up enforcement order for the restoration of the 25' no disturb buffer zone.

Marilyn Kozodoy stated that the Commission was incredulous when seeing the clear cutting. She stated that they felt they reached out to the property owners with information, and it was ignored.

Dr. Harlow stated that Newcomb's Tree Service measured 25' from the wetland then an additional 10' to not encroach on the buffer zone.

Discussion regarding 2 Sunset Road

Discussion regarding fill along driveway

Discussion regarding wetland flagging of property and agreement on wetland line between the Commission and the wetland scientist

James Dehner asked why the cutting occurred.

Dr. Harlow stated that he had a contract with Fred Nava for the driveway, leveling out the property, loom and seed.

The chairman requested that the property owner contact the Conservation Agent as soon as the wetlands were flagged.

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

8:35p.m.

VOTE: 7-0-0

Continued to April 17, 2007 @ 7:30p.m.

Reviewed the draft minutes of January 2, 2007

William Underhill motioned to accept the minutes of January 2, 2007 as corrected.

Marilyn Kozodoy seconded the motion.

8:37p.m.

VOTE: 7-0-0

Discussion regarding:

- 5 Smelt Pond Road
- Indian Pond Estates – follow up enforcement order
- Brook Street Realty Trust – no meeting scheduled yet

Sue Chamberlain motioned to issue a letter to Fred Tonsberg regarding Indian Pond Estates giving a two week deadline to submit requested information to the Conservation Office. Marilyn Kozodoy seconded the motion.

8:43p.m. VOTE: 7-0-0

Discussion regarding the Elm Street Dam

- needs to be inspected by the Office of Dam Safety
- \$7500 is to be allocated at Town Meeting

8:47p.m. Opened a Public Hearing for a Notice of Intent for 80 Elm Street, Map 55, Lot 22

Present: Darren Grady

Darren Grady presented the project to the Commission.

Maureen Thomas asked if there would be any additional bedrooms.

Darren Grady stated that they were proposing to reconfigure the house and it would comply with Title V.

Discussion regarding whether the foundation would be a slab or a full foundation

The chairman requested that the closest section of the deck to the wetland be staked.

Maureen Thomas asked about the potential need for dewatering and if needed, it would need to be monitored.

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

8:56p.m. VOTE: 7-0-0

Continued to April 3, 2007 @ 7:45p.m.

Site visit March 26, 2007 @ 5:45p.m.

9:06p.m. Informal Meeting – School Street

Tom Croce from 5 School Street stated that his yard used to be flooded from the easement. Within the last five years, it has become worse from the streets.

Cathy Franzini from 225 Pembroke Street stated that she had a surveyor come to her property. She stated that the wetlands outlined were 33% larger than previously.

Michael Franzini stated that the town was not maintaining the town easement. He stated that they laid a pipe with no cap, just crushed stone.

Maureen Thomas stated that the stormwater standards were implemented by Mass Highway in 1997.

The chairman stated that whether the wetlands have increased or not, you are in front of a board that protects wetland areas. DEP had been contacted. Digging a ditch would not solve the issue. When Route 27 is upgraded, all the drainage will be pushed further down the street which may help. There is a pond that is connected to the wetland. Removing the board at Reeds Mill Pond may help with the level of water. He stated that the Commission could not fix the drainage.

Maureen Thomas stated that a 1940 USGS map showed the wetland behind the property borders on Pine Brook.

Sue Chamberlain stated that the weather had changed within the past five years. Pine Brook is affected by upper and lower Chandler's Ponds. When those pond water levels are raised or lowered, it creates an impact.

The chairman stated that dark soils take hundreds of years to form. The soils and what grows in them constitutes a wetland. He stated that the best avenue was to fix Route 27 and suggested that the board at Reeds Mill Pond be pulled to see if it helps the issue.

Maureen Thomas stated that cranberry bog owners have water rights and have exemptions from the Wetlands Protection Act.

Tom Calter stated that this was not only a water issue, but a methane gas issue. He stated that it was believed the outfall was the source of a series of issues including methane. He stated that the gas company checked for a gas leak but did not find one. He asked what the solution was to this issue. He asked how they would get the state to fix this issue and how it would be paid for.

Maureen Thomas stated that she spoke with two people from DEP and they had never heard of a situation like this. She stated that if the wetland was disturbed, it could release methane. Decomposing matter could also be causing methane.

Tom Calter stated that they needed to narrow down the problem and the solutions. He stated that he had no problem going directly to the Commissioner of DEP.

Maureen Thomas asked what had been done besides air quality monitoring.

Pam Turner stated that they wanted to use a Summa canister to measure air quality, but are at a stand still because they felt that the town should pay for it.

Maureen Thomas asked what made the Turner's think that the methane was not coming from the septic system. She stated that there were moist soils within 48" of the system when it was installed.

Tom Calter stated that they were told it was not the septic system.

William Underhill stated that until you know what is definitely causing the methane gas, you can't fix it. He asked what type of engineer was used to determine the cause of the methane gas.

Pam Turner stated that she believed he was an environmental engineer. She stated that an LEL meter was bought and the smell of gas was at the mouth of the drain.

Marilyn Kozodoy stated that the Commission could pay more attention to the report (submitted by Pam Turner) if it had been received ahead of time.

Dusty Turner stated that they were not trying to ruin the wetlands. They would like the outfall pipe eliminated.

Read Memorandum dated March 16, 2007 from Brian Donahoe to Tom Calter

The chairman stated that the Selectmen were making it the Commission's issue, but the wetlands were not the source of the problem. He stated that he had some reservations of the actual cause as presented by the Turners.

Tom Calter asked who owned the outfall pipe.

The chairman stated that the town owned the outfall pipe. He stated that they might be able to raise the road and re-direct the drainage.

Tom Calter asked where the water would go if the pipe was removed.

The chairman stated that the water would flow over property owner's lawns and flood the street.

The chairman stated that it was not the Conservation Commission's purview unless they wanted to dig a ditch thru the wetlands. Then it would require permitting from the Commission.

Maureen Thomas stated that Town Administrator Kevin Donovan wanted the Commission to vote on the issue.

James Dehner stated that from the Commission's point of view and without sufficient professional data, the issue of draining a wetland does not make sense scientifically.

The chairman stated that the Commission can recommend that the town hire an engineer to assess the issue. He stated that he felt the Board of Selectmen should address this issue.

Maureen Thomas requested additional information from Brian Donahoe.

Marilyn Kozodoy stated that normally when a report is received, there is additional information to substantiate the statements made in the report.

Tom Calter requested that the Commission write a letter to the Selectmen recommending that they hire an engineer to validate Brian Donahoe's report.

William Underhill motioned that the Conservation Commission refer this matter to the Selectmen asking them to obtain an independent initial investigation as soon as possible due to it being presented as an imminent hazard.

Marilyn Kozodoy seconded the motion.

10:20p.m. VOTE: 7-0-0

Doug Dondero motioned to adjourn.

William Underhill seconded the motion.

10:20p.m. VOTE: 7-0-0