

Kingston Conservation Commission Minutes

May 4, 2010

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

Agent Updates:

- EJ Prescott Invoice for erosion control materials used for Cranberry Watershed Preserve culvert removal project

Sue Chamberlain motioned to pay the invoice from EJ Prescott from the Conservation Fund after checking with the Town Accountant for the legality of depositing the grant as reimbursement back into the Conservation Fund.

Marilyn Kozodoy seconded the motion.

7:03p.m. **VOTE: 6-0-0**

Agent Updates:

- 18 Brook Street – pre-trial was postponed to June 30, 2010 to allow areas to be stabilized with vegetation upgradient of the pond
- 6 Prospect Street – failed to file Notice of Intent by deadline of April 14, 2010
 - enforcement issue shall be passed along to Town Counsel

7:05p.m. Informal meeting with the Water Department

Present: Bob Koska, Fred Svenson, Matt Darsch

Bob Koska stated that he thought it made sense for them to meet with the Commission on occasion. He stated that he felt that there was a misunderstanding regarding pervious pavement on another project. He

stated that the Water Commission typically asks for impervious surface within water resource overlay districts to contain any leaks of petroleum products and also requires gas traps. He stated that the Water Commission was not adverse to new technology but were very protective of the water supply especially due to a previous contamination issue with Exxon Mobil.

Bob Koska referred to Off Parting Ways Road stating that when a water main loop does not have enough distance, one side is usually used and the water stagnates.

Discussion regarding the Off Parting Ways Road plans that had been presented

The chairman stated that most of the members of the Conservation Commission were aware of the Water Commission's rules and regulations. He stated that the Commission was frustrated that they had asked to meet with the Water Commission and never received a response regarding the proposal of pervious pavement at 5 Tarkiln Road.

William Kavol stated that the applicant for 5 Tarkiln Road had assured the Conservation Commission that any vehicle that had a leak would not be allowed to park on the pervious parking lot.

Bob Koska stated that once one applicant is allowed to place pervious pavement in a water resource overlay district, other applicants will want to be allowed to do the same.

The chairman stated that the applicant had done a lot of work on the proposal for porous pavement and not many applicants could afford porous pavement due to finances.

Bob Koska stated that the building would be there for a long time but if it were ever sold, the new owners could be less stringent regarding fuel leaks on a porous parking area. He apologized for not responding to the Conservation Commission request for a meeting. He stated that it was discussed but did not take any action at that time and it should have been on unfinished business or acted upon. He stated that the Water Commission and the Conservation Commission were on the same team.

Fred Svenson stated that the Water Department has a model that shows how contaminants flow.

Sue Chamberlain asked that if it could be shown that using porous pavement would be a better alternative, would the Water Department consider allowing it.

Bob Koska stated that they had a concern with freezing. He stated that they had approved the use of porous pavement for the Sisters of Divine Providence project but they did not use it due to financial issues.

The chairman stated that Parting Ways Road was issued an Order of Resource Area Delineation and the isolated vegetated wetland had not been delineated which slowed the process. He stated that the area had not been determined to be a vernal pool when the Notice of Intent to put the main through the edge of the isolated wetland had been filed. Since information has been received that the isolated vegetated wetland is a vernal pool, the Commission would consider a proposal for jacking the water main under the vernal pool.

Bob Koska stated that they preferred direction drilling and would request a sleeve.

Marilyn Kozodoy stated that she was looking for more information on any impacts of this drilling under vernal pools and nothing was received regarding hydrology or biology of the vernal pool. If it were too much of an impact, would there be another alternative.

Bob Koska stated that the length of the water main would need to be reduced to eliminate the stagnation of water. The engineer would have to come up with another plan.

Both commissions thanked each other for the joint meeting.

7:30p.m. Continuation of a Public Hearing for a Notice of Intent for Elder Avenue, Map 57, Lot 74

The applicant requested a continuation of the Public Hearing.

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

7:30p.m. VOTE: 6-0-0
Continued to June 8, 2010 @ 7:45p.m.

Discussion regarding changing the June meetings to the second and fourth Tuesday of the month due to Town Meeting scheduled for June 1st

Marilyn Kozodoy motioned to re-schedule the June 1, 2010 meeting to June 8, 2010 and the June 15, 2010 meeting to June 22, 2010.
Sue Chamberlain seconded the motion.

7:30p.m. VOTE: 6-0-0

William Underhill motioned to move the Parting Ways Road public hearing from 9:00p.m. to 7:30p.m. this evening.
Marilyn Kozodoy seconded the motion.

7:30p.m. VOTE: 6-0-0

7:30p.m. Continued a Public Hearing for a Notice of Intent for Parting Ways Road, Map 105, Lot 6
Present: Christian Farland

The chairman stated that the Public Hearing should be left open until the Commission has received the remaining information from Marty Nover.

Maureen Thomas stated that Marty Nover needed to go back on site and submitted an estimate. Christian Farland submitted an additional check. She stated that it would take approximately one month to complete.

Christian Farland stated that before he revises the plans, he wanted to make sure that the Water Department was on board with the present directional drilling locations on the plan. He stated that they would hit groundwater.

Marilyn Kozodoy stated that Dr. John Jahoda, professor for her Vernal Pools course suggested an analysis of the vernal pool hydrology and potential risk in relation to the proposed directional drilling plan prior to accepting any such action.

Christian Farland stated that there would be no impacts to the vernal pool. If the water main were to ever break, it would be clean water. He stated that the pipe would be 5' – 10' below ground and would not be affecting groundwater.

William Underhill asked how far below the bottom of the vernal pool the water main would be placed.

Christian Farland stated 5' – 10' and when the plans are revised he could put a minimum of 5' of separation.

The chairman stated that a hydrologist should certify that there would not be an issue.

Maureen Thomas asked about the difference between jacking and horizontal drilling.

Christian Farland stated that jacking the main pushes it through and directional drilling uses water and the pipe goes in at the same time.

The chairman asked what diameter pipe would be used for the water main.

Christian Farland stated that it would be a 10" diameter pipe.

The chairman stated that the CLRC had contacted Andy Bachman regarding conveyance of abutting land for a replication area.

Christian Farland stated that he had contacted Mass Highway three years ago about obtaining an easement for a water main and they said that it would take 5-10 years to convey.

Maureen Thomas requested that the applicant revise the plans to show horizontal drilling, detail with cross section, dewatering plan, re-label wetland resource area as vernal pool and provide a statement from a wetland hydrologist proving that there will be no impacts to the vernal pool.

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

7:50p.m.

VOTE: 6-0-0

Continued to June 8, 2010 @ 8:00p.m.

7:50p.m.

Opened a Public Hearing for a Request for Determination of Applicability for 6 Main Street, Map 68, Lot 62 & 87

Present: Jay Demaris

Jay Demaris presented the project to the Commission. He stated that he had stripped 8' – 10' of Japanese Knotweed along the road which opened up to a drainage swale. He stated that there was extensive debris that was cleaned up. He stated that he would like to add 6" of top soil and seed the area. He would also like to plant some cedar trees and keep the shed where it was placed out front. He stated that he had issues with drainage from the neighboring parking lot.

The chairman asked if the shed was within the 25' no disturb zone.

Jay Demaris stated yes, but it was elevated on four cement blocks.

The chairman asked the Commission if they would like to waive the 25' no disturb zone for the shed since the applicant was proposing mitigation.

Maureen Thomas stated that she had suggested a rain garden to the applicant since there were erosion issues from the parking lot.

Jay Demaris stated that the slope was asphalted and on the back side he would like to excavate 30' – 40' in length. He stated that the rain garden would catch 90% of the abutter's runoff but at times it may fill and sheet flow.

Maureen Thomas stated that even catching the first flush would be better than what is currently occurring on the property. Rip rap could be installed for erosion and an emergency overflow with rip rap could be installed. Native plants would be planted in the rain garden.

Jay Demaris stated that removal of the knotweed would be a two year project. Once removed, conservation seed mix would be used for the area.

Sue Chamberlain asked how the knotweed would be removed.

Jay Demaris stated that it would be pulled out or sprayed with Round Up. Spot treatment would occur in the A.M.

The chairman asked if there was any wetland vegetation.

Maureen Thomas stated that there was Tussek Sedge and Jewell Weed on the slope.

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

8:11p.m. VOTE: 6-0-0

Sue Chamberlain motioned to issue a Negative Determination of Applicability with conditions.
William Underhill seconded the motion.

8:11p.m. VOTE: 6-0-0

8:11p.m. Opened a Public Hearing for a Request for Determination of Applicability for 19 Jones River Drive, Map 47, Lot 96

Present: Jim Stanne - Stanne Construction

Jim Stanne presented the project to the Commission.

Maureen Thomas asked if stock piles would be on site.

Jim Stanne stated that the materials would be leaving the site.

Maureen Thomas stated that the proposed addition was within the paved driveway.

Jim Stanne stated that any driveway beyond the addition would be removed.

The chairman asked about the silt fence line.

Maureen Thomas stated that the silt fence would be located around the driveway and that the area is fairly level.

The chairman asked if there would be a full foundation.

Jim Stanne stated that there would be a 4' poured foundation.

William Underhill disclosed that he was friends with Jim Stanne but could be impartial.

Marilyn Kozodoy motioned to close the Public Hearing.

William Underhill seconded the motion.

8:18p.m. VOTE: 6-0-0

Marilyn Kozodoy motioned to issue a Negative Determination of Applicability with conditions.

William Underhill seconded the motion.

8:19p.m. VOTE: 6-0-0

8:19p.m. Opened a Public Hearing for a Notice of Intent for 3 Larson Road, Map 39 Lot 11, Map 38 Lot 300, Map 38 Lot 301

Present: Darren Grady

Darren Grady presented the project to the Commission.

Maureen Thomas stated that the Commission had received a letter from the Sewer Commission stating that there was no sewer capacity if there was a proposed bedroom in the addition. She read the letter aloud.

William Underhill asked if the addition would provide for an increased population.

Darren Grady stated that he did not have that information.

Discussion regarding site visit

Sue Chamberlain motioned to continue the Public Hearing.

Marilyn Kozodoy seconded the motion.

8:25p.m. VOTE: 6-0-0

Continued to May 18, 2010 @ 8:30p.m.

Site visit May 10, 2010 @ 4:30p.m.

8:30p.m. Opened a Public Hearing for a Request for Determination of Applicability for 46 Forge Road, Map 14, Lot 7-12

Present: Tom & Heidi Conner

Tom and Heidi Conner presented the project to the Commission.

Maureen Thomas stated that she performed a site visit last spring, measured from the mean annual high water and staked the 100' no disturb zone to a vernal pool. She stated that there were plans on file showing the wetland and flagging. She also stated that the project was 85' away from the bordering vegetated wetlands bordering the vernal pool and was 100' away from the vernal pool. The mean annual high water was difficult to see with the elevated water levels. The project is proposed within existing lawn.

Heidi Conner stated that they do not treat their lawn with chemicals and the addition was designed to minimize impact to the wetlands.

The chairman stated that it was not the intent of regulations to allow construction due to existing lawn. He read the regulations aloud pertaining to existing lawn.

Marilyn Kozodoy motioned to continue the Public Hearing.

William Underhill seconded the motion.

8:39p.m. **VOTE: 6-0-0**

Continued to May 18, 2010 @ 8:45p.m.

Site visit May 10, 2010 @ 5:00p.m.

Marilyn Kozodoy discussed the site visit to the Hall Property currently being reviewed by the Community Preservation Committee. She stated that there were numerous tires on the property filled with stagnated water providing breeding places for mosquitoes. Craig Dalton and Pine duBois thought that the Conservation Commission or possibly the Board of Health may want to address this issue. William Kavol agreed to follow up with the Board of Health.

The chairman stated that 3-4 years ago a path was cut through the wetlands. Within the last 3 years, 1-2 acres have been cleared to the wetland edge and large stumps have been pushed to the edge of the wetland. If this property is purchased, restoration should be considered. The current owner of the property would like to continue the lease for the paintball activity for the next five years. The town would be leasing to an entity that has violated the Regulations.

Discussion regarding acceptance of Triphammer Park Conservation Restriction

William Underhill motioned to accept Triphammer Park Conservation Restriction with signatures pending until the Conservation Restriction has been approved by Town Counsel and DCS. Marilyn Kozodoy seconded the motion.

8:45p.m. VOTE: 6-0-0

8:45p.m. Continued a Public Hearing for a Notice of Intent for 26 Wilder Road, Map 61, Lot 7

Present: Joe Webby, Nate & Victoria Murray

The chairman stated that during the site visit he noticed the gazebo with a 10' x 13' rectangular platform and asked when it was constructed.

Nate Murray stated that it was placed on the property in 1995 and came fully constructed.

The chairman stated that a portion of the structure was within the 25' no disturb zone but may have been placed prior to the development of the Regulations.

The chairman asked if the purpose of the proposed stone dust walkway and wall was to support backfill for access.

Joe Webby stated that its purpose was to keep the area level.

The chairman asked for an alternatives analysis.

Nate Murray stated that the septic system was on the other side of the house and if the garage was placed on the other side it would enter into the dining room.

The chairman asked how this would be an improvement over existing conditions to satisfy the Rivers Protection Act.

Joe Webby stated that it was an improvement to the property but not necessarily to satisfy the Rivers Protection Act.

The chairman asked if they were considering the lawn previously disturbed.

Maureen Thomas stated that they were considering it degraded, not previously disturbed.

Maureen Thomas read 310 CMR 10.58 (5) regarding redevelopment in previously disturbed areas.

Joe Webby explained how he interpreted 310CMR 10.58 (5).

Maureen Thomas asked when the wood shed was installed on the property.

Nate Murray stated that it was built 5-6 years ago.

The chairman stated that the project needed some type of mitigation to show that there would be a net improvement to existing conditions on the property. He stated that he was uncomfortable with the current proposal.

Joe Webby stated that they could take away some lawn and plant trees. He asked how much square footage of restoration would be needed.

The chairman stated that there was probably over 1,000 square feet of disturbance.

Sue Chamberlain stated that it was normally incumbent on the applicant to determine the amount of mitigation. She stated that native plantings could be added along the water. Porous pavers could be used instead of blue

stone and stone dust. She stated that she would like to see different things done that could improve the area.

The chairman stated that they would need some form of mitigation that would be palatable to the Commission.

Discussion regarding degradation of the site and mitigation

Sue Chamberlain motioned to continue the Public Hearing.

Marilyn Kozodoy seconded the motion.

**9:15p.m. VOTE: 5-0-1 (William Underhill abstained)
Continued to May 18, 2010 @ 9:00p.m.**

Agent Updates continued

- Pine Brook Culvert Removal – Fred Nava availability, water levels low enough now, find out whether he thinks that the access over the Howard's Brook culvert could still be used
- Howard's Brook culvert – meeting at Plymouth Public Library with MEMA to get more information on whether the Howard's Brook culvert could be repaired with disaster assistance
- Elm Street Bridge – Discussion
- Pottle Street Fields – reprocessed asphalt used on property

Discussion regarding Hall Property secondary access

Sue Chamberlain motioned to adjourn.

Marilyn Kozodoy seconded the motion.

9:35p.m. VOTE: 6-0-0