

Kingston Conservation Commission Minutes

July 24, 2007

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

Signing of Bills

Agent Updates:

- Indian Pond Road – road collapsing into stream

Marilyn Kozodoy motioned to allow emergency work on Indian Pond Road and an after the fact filing of a Request for Determination of Applicability.
Sue Chamberlain seconded the motion.

7:05p.m. **VOTE: 5-0-0**

Agent Updates cont.:

- Tarkiln Road – tentative date, Peter Fletcher unavailable
- Proposed changes for adjudicatory hearings – comments due by August 13, 2007
- Sewer Project – Revoli – holding back money for environmental issues
- Cross country running route installed on Cranberry Watershed Preserve
- Highway Department installing rain garden at Intermediate School

7:12p.m. **William Kavol arrived.**

Discussion regarding the demolition of the house on Cranberry Watershed – vote by Selectmen

- Special meeting for Regulations – October 30, 2007 @ 7:00p.m.

- Trakside Liquors – keep parking as is, bring in additional crushed stone to bring up to grade – file an RDA
Reviewed the draft minutes of June 5, 2007

William Underhill motioned to accept the minutes of June 5, 2007 as corrected.

Marilyn Kozodoy seconded the motion.

7:29p.m.

VOTE: 6-0-0

Reviewed the draft minutes of June 19, 2007

Sue Chamberlain motioned to accept the minutes of June 19, 2007 as corrected.

Marilyn Kozodoy seconded the motion.

7:30p.m.

VOTE: 6-0-0

7:31p.m.

Continued a Public Hearing for a Notice of Intent for Lake Street / Chipman Way, Map 14 & 15, Lots 1, 5 & 6 and Lot 2

Present: Lawrence Winokur, Esq., John Massanro, Doreen Zarnowski, Esq., Steve Levin, Kevin Cline

Lawrence Winokur stated that they were appearing before the Zoning Board of Appeals to obtain special permits. The issue of the pipe has been resolved by agreeing to remove it.

John Massanro presented sketches to the Commission and stated that there would be no construction within 100' of the vernal pool.

Maureen Thomas asked if Natural Heritage and Endangered Species Program (NHESP) had any concerns with the wall being built.

John Massanro stated that the same plans were submitted to NHESP.

The chairman stated that the haybale line was within 100' of the vernal pool.

John Massanro stated that the backside of the haybale line was on the 100' line.

The chairman stated that the haybale line near building 54 was shown within the 25' no disturb buffer zone.

John Massanro stated that the haybale line could be pulled back out of the 25' no disturb zone.

The chairman stated that the channel from the vernal pool to wetland G does not function and therefore the vernal pool was an isolated land subject to flooding or isolated wetland.

Maureen Thomas asked if they had already looked into moving the large building in the 25' no disturb zone further away.

John Massanro stated that they were waiting on moving the building until they had all of their plans revised.

The chairman stated that they had discussed moving the building back 100' with the engineer.

Lawrence Winokur stated that he was not sure there was any formal request to move the building back 100'. He stated that it would not be a simple change and was not sure what would require them to move the building.

The chairman stated that it was only a request.

Maureen Thomas asked about infiltration of roof drains.

John Massanro stated that they had not gone thru and made changes to the plans.

John Massanro discussed the walkway system.

Lawrence Winokur stated that they were subject to ultimate approval from the Planning Board to build sidewalks because it is considered a scenic road.

The chairman asked how they would resolve the activity within the 25' no disturb zone near wetland G.

John Massanro stated that they would reconsider the location of the buildings.

Discussion regarding emergency access to the back of building 54

The chairman asked how high the cement wall would be and how much fill would be used.

Discussion regarding height of wall and amount of fill with references to the plans

The chairman stated that he was concerned that there was no break in the wall for the passage of wildlife.

Maureen Thomas stated that there was a break in the wall at the cul-de-sac.

Discussion regarding wildlife passage thru the wall

Discussion regarding design of sidewalks

Lawrence Winokur stated that they could not design the sidewalks until they obtained Planning Board approval.

The chairman stated that he was hesitant to approve the project subject to Planning Board approval.

Maureen Thomas stated that the Commission would not have an issue if the sidewalks were not built.

Kevin Cline presented sewage plant data to the Commission. He discussed process of detecting medications. He stated that the Department of Environmental Protection (DEP) was putting together a task force in October. He stated that the treatment on site is the best treatment available.

Pine duBois from the Jones River Watershed Association stated that she could provide data on how often Forge Pond flows to Silver Lake. She stated that it was a unique area and the Wetlands Protection Act allows the Commission to use discretion regarding the 100' setback. She stated that Forge Pond has a high amount of phosphorous and requested that the Commission take proactive measures to help protect the water supply. She stated that they needed a buffer zone for wildlife and needed to act restoratively. She asked that Wingate establish a policy to dispose of medications when people are no longer residents.

Pine duBois stated that to accommodate the trail, they needed a conservation restriction. She stated that they had been promised in the past that there would be no further development. She also stated that she would be submitting a written comment to the Commission.

Skip Martin from 107 Lake Street requested that bounds be placed on the property for no further encroachment. He also stated that he was concerned with dust and the catch basins. He asked the Commission to require a no salt zone.

William Underhill asked if they would use organic fertilizers rather than chemicals.

Maureen Thomas stated that the use of organic fertilizers is usually a condition in the Orders of Conditions.

Dan Sapir, resident, asked for clarification on the appeal process remaining the same.

The chairman stated that DEP is proposing to change the appeal process.

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

8:25p.m.

VOTE: 6-0-0

Continued to August 21, 2007 @ 9:00p.m.

8:32p.m.

Continued a Public Hearing for a Request for Determination of Applicability (RDA) for 20 Brentwood Road, Map 92, Lot 8

Present: Mark Guidoboni

Maureen Thomas stated that a site visit was performed on Friday. She stated that it became apparent that if an abutter does not allow access to perform the test pits, it would be a resource alteration. She stated that access was an issue.

Mark Guidoboni stated that he was only asking to dig a test hole for a septic system. He stated that if the property does not have a percable site, the area would not be buildable. He stated that he was trying to determine whether the site was buildable.

The chairman stated that the probability of the area being percable was low.

Maureen Thomas asked if the test holes could be dug by hand.

Mark Guidoboni stated that Joe Webby estimated that there was 6' before ground water.

Maureen Thomas asked how Joe Webby determined that there was 6' before ground water.

Mark Guidoboni stated that he did not know how Joe Webby determined that there was 6' before ground water.

The chairman stated that the applicant would either need to get access to the property from his neighbor, dig the test pit by hand, or file a Notice of Intent.

Laurel Cheever, 25 Brentwood Road, stated that they currently get water in their basement. She stated that the wetlands were owned by Belcher Cunningham.

Mark Guidoboni stated that the land court judgment had not been recorded.

Sue Schortmann, 26 Brentwood Road, stated that she gets water in her basement from September to May. She felt that any proposed activity would directly impact abutters.

Mark Guidoboni asked how deep the water gets in her basement when the pump doesn't work.

Sue Schortmann stated that the water is about 1' deep when the pump is not running.

Mark Guidoboni stated that a foundation sits 7' deep. If the water is 1' high, the ground water could be 6' down.

Maureen Thomas stated that since accessing the site would mean clearing would occur, it would be considered an alteration of a resource area and could not be permitted under a RDA.

Heidi Olson, 18 Brentwood Road, read a letter addressed to the Commission to be attached to the minutes.

Barbara Coyle, 17 Brentwood Road, stated that the water that runs under the road is higher when the water is released from the cranberry bog.

Dan Sapir, 241 Main Street, asked if the Commission had received power of attorney for decisions regarding the property from Mark Guidoboni.

The chairman stated no.

Maureen Thomas stated that anyone can file on a piece of property.

Melissa Butka, 12 Montclair Avenue, stated that she felt the lot should stay the way it is. She stated that there was a lot of wildlife on the property.

Heidi Olson, 18 Brentwood Road, asked what the difference was between a perc test and a soil evaluation.

Maureen Thomas stated that a perc test had to be observed by the Board of Health.

Laurel Cheever, 25 Brentwood Road, requested notification of when the applicant would have someone out on the property to dig a test hole.

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

9:06p.m.

VOTE: 6-0-0

Continued to September 18, 2007 @ 7:30p.m.

9:08p.m.

Informal meeting – 73 Evergreen Street

Present: Frank Westgate, Bob Junior, Gary James

Frank Westgate stated that they were looking for some feedback. He stated that they had been before the Planning Board for over a year and thought it would be a good idea to iron out any stormwater issues.

Maureen Thomas stated that the property was not subject to stormwater management standards. She stated that they did not have drainage calculations.

Frank Westgate stated that they had designed rain gardens, but could not handle all of the stormwater thru bio remediation. He stated that even though the below ground structure would require maintenance, they would have a maintenance schedule.

Bob Junior presented preliminary plans to the Commission.

Maureen Thomas stated that they could submit drainage reports yearly to the Commission.

Frank Westgate stated that they could post a bond for maintenance of the infiltration system.

Maureen Thomas stated that they should focus on using more rain gardens and fewer infiltrators.

Gary Langenbach recused himself as a abutter to the Public Hearing for Elm Street, Map 64, Lot 29-1 thru 29-10, 36, 38, 35-1

James Dehner was acting chairman.

9:25p.m. Opening of a Public Hearing for Elm Street, Map 64, Lots 29-1 thru 29-10, 36, 38, 35-1

Present: Brian Wallace, Brad Holmes, Richard Nysten, Esq.

Brad Holmes presented the project to the Commission and the public.

The chairman requested Brian Wallace to show the area on the plans that would be under a conservation restriction.

The chairman asked the applicant how they would ensure that the machine access would not be within the 100' buffer zone due to the proposed building being within 5' of the 100' buffer zone.

Brian Wallace stated that the building only changes the grade 2 feet.

Richard Nysten stated that the erosion controls would be installed first and would then work would occur on the landward side of the erosion controls.

Maureen Thomas asked about maintenance of the walking paths, woods roads, wet meadow and upland fields.

Brad Holmes stated that under the Wetlands Protection Act, the wood pathway maintenance would be exempt from Conservation jurisdiction. He stated that they would only maintain the width and would be hand cut. He stated that there would be no paving or structures. He also stated that there would be hand pruning to maintain the fields and a certified arborist for the removal of small saplings and pruning.

Maureen Thomas asked if herbicides would be used to remove any vegetation.

Brian Wallace stated that there would be no need to use herbicides and would not use them within the 100' buffer zone.

Brad Holmes stated that native shrubs preferred by Eastern Box Turtles would be planted within the 100' buffer zone but not within the 25' no disturb zone.

Brian Wallace stated that they were proposing to plant approximately 40 plants.

The chairman asked when the commission would see something specific regarding the plantings considering there would be some disturbance.

Richard Nysten stated that they needed to go on site with the arborist to investigate and that it would be a minimal impact.

William Underhill stated that some proposals are disturbances but may ultimately be beneficial.

Brad Holmes stated that vista pruning was a minor exempt activity thru DEP.

Sue Chamberlain asked how the septic systems and stormwater management would impact the resource areas.

Richard Nysten stated that the septic systems and stormwater management would be handled outside the 100' buffer zone.

Brian Wallace stated that Natural Heritage and Endangered Species Program determined the best place for the turtle passage.

Mark Guidoboni from the Open Space Committee stated that they were happy about the walking trails and stated that at the planning stage the applicant would have to depict the walking trails.

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

9:49p.m.

VOTE: 5-0-0

Continued to 8/7/2007 @ 8:45p.m.

Site visit 8/2/2007 @ 5:30p.m.

Discussion regarding the original Elm Street filing and the current Elm Street filing

James Dehner returned as vice chairman.
Gary Langenbach returned as chairman.

Sue Chamberlain motioned to adjourn.
William Underhill seconded the motion.

9:56p.m.

VOTE: 6-0-0