

Kingston Conservation Commission Minutes

August 7, 2007

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

Signing of Bills

Agent Updates:

- Jones River Watershed Association (JRWA) Request for Responses (RFR) for Holmes property on Jones River

William Underhill motioned to support the efforts of the Jones River Watershed Association for the filing of an RFR with the coastal and estuarine land conservation program for the Holmes property on the Jones River.

James Dehner seconded the motion.

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

Agent Updates Cont.:

- Photos of 75 Wapping Road – property owner filing MESA application
- 49R Main Street – asked if Commission would perform a site visit to agree with the wetland flagging
- 35 Reed Street – started removing fill and installing septic system
- Tarkiln Road Appeal – November 19th, 20th
- Reggie Macamaux – helping with Conservation Land
- JRWA meeting August 15th re: long term program development
- Barrows Brook MEPA filing

Discussion regarding Bay Farm access

The chairman stated that there was a 40' wide easement that is now overgrown with Chinese roses. Signs were installed two years ago.

Maureen Thomas stated that it was not obvious where the easement was from the road. She stated that the area needed to be marked more clearly possibly with bounds that say conservation access.

The chairman stated that the area could be mowed and the Chinese roses could be trimmed as soon as possible.

Marilyn Kozodoy informed the commission that the next Conservation Land Review Committee was scheduled for August 22nd.

7:30p.m. Opened a Public Hearing for a Notice of Intent for Lot 1-37 Deer Run Road, Map 78, Lot 1-37
Present: Rob Vautrinot, John Moon

Rob Vautrinot gave a summary of the history of the project.

Maureen Thomas stated that MESA had not completed their review, but the commission could issue Orders of Conditions with a condition of no work until the MESA review was complete.

The chairman stated that there were hemlocks on the property that were dying and snapping that were an issue during the previous filing.

Maureen Thomas stated that the applicant would have to re-delineate the area.

Maureen Thomas asked what the parameters would be for the removal of the hemlocks.

The chairman stated that dead trees outside the 25' no disturb zone could be removed by the property owner.

Maureen Thomas stated that there would be a condition to mark any trees to be removed for the conservation agent to inspect prior to removal.

Lawrence Oliver, 32 Deer Run Road, stated that he was concerned with the lack of open space in Tall Timbers. He also stated that he was told there was conservation land across from him and was concerned about the wildlife habitat.

Maureen Thomas stated that the wetland protection by-laws and regulations require a 25' no disturb buffer zone to protect wildlife habitat.

Discussion regarding history of the project

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

7:53p.m. VOTE: 6-0-0

Sue Chamberlain motioned to issue Orders of Conditions with special conditions.

Marilyn Kozodoy seconded the motion.

7:54p.m. VOTE: 6-0-0

7:54p.m. Opened a Public Hearing for a Notice of Intent for Lot 2-7 Millers Lane, Map 79, Lot 2-7

Present: Rob Vautrinot, John Moon

Rob Vautrinot gave a summary of the history of the project.

Maureen Thomas asked if this property would have the same special condition regarding the removal of dead hemlocks on the property.

The chairman stated that the property does not have as many hemlocks as the previous property.

James Dehner asked if there was any discussions previously to mark the 25' no disturb buffer zone.

The chairman stated that the limit of work was 40'.

Discussion regarding permanent markers for the 25' no disturb buffer zone

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

8:00p.m. VOTE: 6-0-0

Sue Chamberlain motioned to issue Orders of Conditions with special conditions.

Marilyn Kozodoy seconded the motion.

8:00p.m. VOTE: 6-0-0

Sue Chamberlain motioned to re-open Lot 1-37 Deer Run Road.

Marilyn Kozodoy seconded the motion.

8:00p.m. VOTE: 6-0-0

Marilyn Kozodoy motioned to amend the Orders of Conditions to include a special condition to delineate the limit of work with permanent demarcation.

Sue Chamberlain seconded the motion.

8:09p.m. VOTE: 6-0-0

Marilyn Kozodoy motioned to close the Public Hearing.

Sue Chamberlain seconded the motion.

8:09p.m. VOTE: 6-0-0

Discussion regarding Guertin Elkerton change of plans for Route 27

Marilyn Kozodoy motioned to send a letter to Guertin Elkerton to submit a request for an amended Order of Conditions.

Sue Chamberlain seconded the motion.

8:17p.m. VOTE: 6-0-0

8:18p.m. Continued a Public Hearing for a Notice of Intent for Howlands Lane, Leigh Road, Curtis Avenue and Shore Drive, Map 38, 39 and 48

Present: Roger Alcott, Paul Basler, Greg Swann

Maureen Thomas stated that she had received a letter from the Division of Marine Fisheries which she read aloud. She asked the applicant whether they would be using 25' or 50' for critter gaps.

Roger Alcott stated that Natural Heritage and Endangered Species Program (NHESP) suggested 50' gaps.

Maureen Thomas asked if there would be an engineer on site.

Paul Basler stated that he did not want to set precedence with having an engineer on site full time.

Maureen Thomas stated that from the experience with the sewer project, it would not be an easy project with the high groundwater and suggested an on site engineer during particular times.

Roger Alcott stated that the engineer would not be on site every day.

Maureen Thomas asked the applicant to submit a proposal as to when the engineer should be on site.

Maureen Thomas stated that some of the catch basins would have to be placed at particular elevations to prevent wetlands from being drained.

Maureen Thomas stated that she has a template that she can use for a post construction Operations and Maintenance Plan which she could review with Paul Basler prior to the issuance of the Orders of Conditions.

Maureen Thomas asked where equipment would be stored for the project.

Paul Basler stated that he could shut down part of Leigh Road for storage of the equipment.

Maureen Thomas stated that there could be a condition that the contractor submits stockpiling and equipment storage plans.

Maureen Thomas read aloud a letter submitted by abutter Diane Porier.

Discussion regarding the feasibility of grass over the leaching chambers and native plants to replace poison ivy and bittersweet

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

8:55p.m.

VOTE: 6-0-0

Marilyn Kozodoy motioned to issue Orders of Conditions with special conditions.

William Underhill seconded the motion.

8:55p.m.

VOTE: 6-0-0

Gary Langenbach recused himself as an abutter to Elm Street, Map 64, Lot 29-1 thru 29-10, 36, 38, 35-1

James Dehner replaced Gary Langenbach as chairman.

9:00p.m.

Continued a Public Hearing for a Request for Determination of Applicability for Elm Street, Map 64, Lot 29-1 thru 29-10, 36, 38, 35-1

Present: Brian Wallace, Brad Holmes

The chairman asked the applicant if there was any new information to submit to the Commission.

Brian Wallace stated that there was no new information.

Maureen Thomas stated that she had contacted John Regason to find out if there would be a take of endangered species within the 100' buffer zone. She read section 6.03 of the regulations aloud. She stated that one of the purposes / interests of the bylaw was wildlife. Maureen Thomas read the response received from John Regason. She stated that there was approximately 11,000 square feet of work within the 100' buffer zone and the project should have ongoing conditions. Ongoing conditions can not be placed on a Determination of Applicability.

Brian Wallace asked what other conditions would be needed besides a condition for use of fertilizers.

Maureen Thomas stated that maintenance of walking paths and the wet meadow, the interplanting of native plants, submittal of maintenance reports and maintenance of turtle barriers should have ongoing conditions.

Marilyn Kozodoy stated that in the response from Bill Gage regarding the ENF, he suggested a scientist be present on site to supervise work involving turtle habitat.

Brad Holmes stated that there would be no landscaping except at the rear of the units. He stated that the rear of the buildings were outside of the 100' buffer zone.

Brad Holmes stated that they would have an EPA Stormwater Prevention Plan. It is not complete at this time. There would be a bi-weekly report during construction and reports are required with the Conservation and Management Permit.

Maureen Thomas talked about long term monitoring of the project.

Brian Wallace stated that monitors would be placed on turtles during construction.

Marilyn Kozodoy read the Conservation and Management application section regarding turtle sweeps.

Brad Holmes reviewed the areas on the plans within Conservation jurisdiction.

The chairman asked what areas would require ongoing maintenance.

Brad Holmes stated that the turtle barriers should not require maintenance.

The chairman asked what maintenance would occur if the turtle barrier failed or vegetation needed to be managed.

Brian Wallace stated that they had not discussed these issues with NHESP.

Brian Wallace stated that after the remediation work was complete, they would have an arborist come on site once a year for management of fallen trees.

The chairman stated that he would assume NHESP would require some type of evaluation as to whether the turtle barriers were functioning properly.

Brad Holmes stated that the activities were 50' away from the no disturb zone and are considered minor and exempt by DEP. He stated that they were already proposing erosion controls.

Maureen Thomas read 310cmr 10.02(b) (2) which addresses the presence of protected species habitat in reference to jurisdictional issues.

Maureen Thomas recommended to the Commission that the project have perpetual conditions. She stated that she was advised by DEP not to put lengthy conditions on a Determination of Applicability.

Brian Wallace stated that NHESP has placed conditions on the project. He stated that they were not opposed to giving any documentation needed to the Commission. He stated that he understood the concerns of the Commission, but felt that there were enough measures in place.

Maureen Thomas asked about if the water main had to be looped.

Brian Wallace stated it would be underneath the confinements of the new roadway system.

The chairman asked where the point of discharge would be for runoff from the units.

Brian Wallace stated that he was not prepared to address the question under the current filing. He stated that they would re-file if it would impose any impact on conservation jurisdiction.

Brian Wallace stated that the Conservation Management Permit would be recorded and stays with the life of the land.

The chairman stated that the Conservation Management Permit had not been finalized.

Marilyn Kozodoy motioned to close the Public Hearing and take it under advisement.

Sue Chamberlain seconded the motion.

9:40p.m.

VOTE: 5-0-0

Discussion regarding Elm Street Determination

Sue Chamberlain motioned to issue a Positive Determination of Applicability.

William Kavol seconded the motion.

9:52p.m.

VOTE: 5-0-0

Gary Langenbach returned to the Commission.

Gary Langenbach motioned to adjourn.

William Underhill seconded the motion.

9:55p.m.

VOTE: 6-0-0