

TGSC Minutes
November 17, 2011

Present: Keith Elder, Jean Naumann, Richard Dennehy, Ken Stevens, Paul Tura, Wendell Chamberlain. Absent: Bob Ward, Mary O'Donnell.

Members of Conservation Commission: Sue Chamberlain, Chair, Marilyn Kozodoy, Gary Langenbach, James Parker, and Maureen Thomas, Conservation Agent.

At 7:01, Chair Elder commenced the meeting with a welcome and introductions of all seated and present. Chair of Cons Com Sue Chamberlain acknowledged providing the Board with comprehensive background information and began the interview with a brief description of what the Cons Com does. She prefaced her remarks with praise for her fellow commissioners' and Agent Thomas' knowledge and hard work in keeping the Commission focused. She described the Cons Com's prime mission to be the enforcement of the State's Wetlands Protection Act and the Town's bylaws and regulations in the eight areas of interest proscribed by law based on knowledge and interpretation. Therefore, commissioners must understand the technicalities implied in making determinations and many get educational training and certification through the Mass. Board of Conservation Commissioners. Long-term experience on the Commission by some members has also helped govern the panel's performance to do what is in the best interest of the townspeople and their natural resources especially the town's clean water supply. Ms. Chamberlain stated that the Conservation Agent was the day-to-day point person who interacts the most with town government and other agencies and would be the best person to explain and elaborate on the functions of the Cons Com, and on its communication, coordination and cooperation within town government.

Conservation Agent Thomas then stated how dedicated and educated the commission is in carrying out its tasks. She gave a brief history about the evolution of duties and responsibilities of the commission since the inception of the Wetlands Protection Act in 1972, adding that the states' history of Conservation Commissions began with an act in 1957, with regulatory authority granted in 1972, and the town's adoption of a wetlands protection bylaw in 1978, amended in 1983 and most recently in 2004 at Town Meeting. Because of the new complexities involved in adhering to regulatory permitting deadline schedules, less time is actually being spent in protecting natural resources in a planned proactive manner. In her eight years on the job, Ms. Thomas stated that as well as administrating the protection of wetlands, waterways and streams and the natural resource management planning of Open Space and Conservation Lands, her job has included the ongoing permitting process for the National Pollution Discharge Elimination System, which the Town needs to complete to avoid substantial fines. This mandate involves the Town's responsibility to mitigate pollution caused by runoff from storm water into streams, rivers and bays through a special permitting process, requiring the Agent to spend substantial time on writing storm water management plans and grant applications for funding. With the inception of the CPA and the acquisition of more open space and conservation lands, the Agent has to dedicate time to writing conservation restrictions, which are legal documents outlining use prohibitions. Ms. Thomas then

described her recent work in implementing GIS for the Town which requires data entry and platform rebuilding. This is being done through a tech liaison from the Town of Plymouth who is donating his time, saving the Town of Kingston about 50K in consulting fees.

On the topic of communication, coordination and cooperation of the Cons Com when interacting with the other offices of town government, the commissioners and agent expressed the following: Ms. Thomas stated that the Cons Com for the past eight years has striven to elaborate precisely its communication of decisions and opinions to all parties involved in the permitting process. Collectively, the Agent and the Commissioners rated their communication to be a 5 most of the time. Ms. Thomas, who works daily at Town Hall, rated the 3Cs together as fluctuating between a 3 1/2 and a 4. Her primary interlocutors are the Building Dept.; Paul Armstrong (flood plain administration, erosion control, and code enforcement signoff), Planning Dept., Town Planner; Tom Bott and the quarterly roundtable department meetings focusing on development issues (with police, fire, Health, Building and Streets and Highways). She also interacts with Water (Greenscapes Program, efficient water use brochures through NSRWA, JRWA (environmental improvement grants, recent Wapping Road Dam removal project, environmental and agricultural education programs at SLRHS) and Sewer, Paul Basler (Streets and Highways), Police with respect to conservation lands protection enforcement (State Environment Police), the BOS, (Town Council and TA access on contracts and supervisory issues) other towns, (Plymouth Carver Aquifer Advisory Committee delegate, storm water management and water quality testing with Duxbury and Plymouth) and the Conservation Land Review Committee on land management and signage postings, and writing conservation restrictions.

The Commissioners input on communication, coordination and cooperation was as follows: Mr. Langenbach commented that the Cons Com has evolved greatly since he came onboard in the late 90s, moving from a dysfunctional body lacking continuity to a more educated entity with strong leadership from the employees (Agent's office). Cooperation was strengthened when the Cons Com went to the BOS over the condition of Camp Nekon and was able to establish the Conservation Land Review Committee (CLRC) (2 years ago) with the charge to develop plans (through grant development) for managing properties that were being neglected. The CLRC will be submitting a comprehensive land management plan on Camp Nekon to the BOS in December. The Community Preservation Act has currently been the major provider of funds for acquisition of open space and conservation land such as the Calista property. It was noted that the CLR committee (2 members from Open Space, 2 members from Cons Com, 1 from Agriculture, 1 from Recreation, and 1 from the BOS) has become a good vehicle for communication with other town entities. Through better cooperation and communication, more enforcement is being done on keeping these lands safe and clean for the citizens of Kingston. Mr. Parker, who has a working background in environmental engineering and has experience presenting before many boards and commissions in many towns, believed that Kingston's Cons Com and Agent has a great performance record based on the high degree of cooperation, coordination and communication that they exhibit. He believes the Agent, based on his knowledge and experience, does the work of 2 to 3 people, and

with limited resources. Because of limited funding, the Feds are relying on local entities to facilitate the enacting of the storm water discharge permitting process, thus incurring more work load and responsibility on the Agent. Mr. Parker stated that this is where GIS can come into play to assist the Agent in overlay modeling evaluations to come into compliance with NPDES. Mr. Langenbach added that the Agent also has taken on the task of writing all the CRs (conservation restrictions) on all the newly acquired CPC (Community Preservation Commission) lands, a position that is separately funded in some towns like Duxbury.

The discussion on adequate resources for the Cons Com went as follows: Ms. Chamberlain, reiterating the Cons Com's increasing responsibilities within town government, and given the lack of an IT person for the whole town and a Parks Department with a full time land manager, she has recommended a part-time land manager and a part-time GIS person be funded in the Cons Com budget.

On the topic of the increasing costs in the administrative caretaking of town owned lands, Mr. Dennehy queried whether it was disingenuous to imply at Town Meeting that acquiring these lands would not incur added cost burdens to the taxpayer as so demonstrated at tonight's meeting. Ms. Chamberlain, Mr. Langenbach and Agent Thomas vigorously disagreed, citing housing development services costs to the town vs. paying someone (part of Agent's job description) for land management, which has grown in scope over the years due to the size of (over 900 acres) and the deleterious use practices of such lands, especially in Camp Nekon. Mr. Langenbach believes that the plan he will present to the BOS on behalf of the Conservation Land Review Com. will address land management concerns by parceling out the various properties to a variety of town agencies for direct oversight. Mr. Dennehy believed that TGSC needs to look into the efficacy of the current structure of the Cons Com. due to the current costs and future budgetary costs to the taxpayer of land management practices and what effects this will have on the efficacy of the future structure. He believes it is disingenuous for the Agent to argue for more money now so she can spend more money later. Mr. Parker added that the costs associated with open space lands only come into play once a use has been established for that land; recreational, agricultural, etc. Mr. Stevens wondered why you would buy open land when it will always stay undeveloped, especially if it is wet and people are paying taxes on it. Mr. Langenbach believe that all uncollectible taxed land in the town should be taken off the cherry sheets (reducing the town's overall evaluation) and put into open space because most of it is wetlands. Ms. Thomas believed that acquiring wetlands parcels protects the town's drinking water and that the monetary requests for land management are far below that of other towns. Mr. Dennehy believes there needs to be a better assessment process in the future on land acquisition to determine if a parcel is developable or not when presented at Town Meeting. Mr. Chamberlain was of the opinion that these categories of land usage have been adequately addressed at Town Meeting.

Chair Elder then steered the conversation toward the topic of a town engineer position, given its constant topical status in the ongoing discussion of structure. Agent Thomas' view was that a full-time position would be of great necessity to town departments in

need of revue and development services and would facilitate tremendous cost savings by not having to go out to bid all the time. That person has to be well rounded and creative, and forward thinking in the area of compact development. Mr. Tura inquired about the cost of engineering for the Cons Com. Mr. Thomas replied that most, if not all, services are paid for by the applicant, except for a recent park layout at Mullikin's Landing, and storm water management through a grant. Ms. Naumann put forth the TGSC's concept of hiring an engineering firm that could deliver in multiple areas of expertise to handle the Town's many applicable needs, and asked the panel their opinions. Cons Com had no problem with that approach. Ms. Naumann then queried the Cons Com panel about its needs in the area of GIS development. Ms. Thomas stated that besides the need for software and hardware upgrades, office space in the Town Hall and funds for a position, the job should be independent of the Planning Board since all departments can utilize it. Ms. Naumann opined that the position could be both IT and GIS.

In the area of the Town's conservation lands inventory, Ms. Naumann wanted to know the Commission's professional opinion on the argument that the town has too much or enough conservation land or is it just the right amount. Agent Thomas said that's a tough question to answer because the Town has not done a build out analysis and this needs to be done in the Master Plan update. There has to be plan as to how the Town wants to develop over the next 10 to 20 years, specifically, implication of more strict pollution and runoff requirement standards of compliance at the state and federal level (the amount of nutrients that can be safely discharged into rivers and streams by developers). The Town must do enforcement on these issues. Ms. Naumann wondered whether there was a member of the Cons Com on the past master plan committee, and guest panel said there was not, only a reference to a member being on the Open Space Committee. Ms. Naumann wanted to know what the duties of the Open Space Committee were. Agent Thomas said they are not a regulatory body, they do open space and recreational planning, and they do not do land management. They review development proposals to see if there are opportunities for the town to have access to walking trails. They propose projects through the CPC to Town Meeting. Agent is working with them to use GIS to assist them in inventory and land-use planning data overlays. They build boardwalks and do bridge building and trail upkeep on a volunteer basis. Mr. Parker then undertook a brief description of the complicated process of GIS application in data compilation and analysis, and how it can save money in the long run if done properly by a knowledgeable and well trained professional with good teaching abilities.

Commissioner Kozodoy wanted to convey to the TGSC the high degree of educational learning and expertise acquired over 10 years of volunteer service to be able to accomplish the tasks of the Cons Com in a professional manner. The requirements include a steep learning curve in the ability to read engineering plans, soil science and biology and fiscal data analysis, all acquired through course training at personal expense. She believes that it is important to keep in mind that the positions are appointed by the BOS and can be filled at any time with people of little experience, who might have a different agenda, not in keeping with conservation's goals. She hopes TGSC now has a better understanding of the complexity of the tasks undertaken by Cons Com's experienced volunteers under the dedicated leadership of Agent Thomas.

In summation, Commissioner Langenbach believed a town engineer position was much needed, especially after the Senior Center experience and the new recreational development of the Hall property. With respect to conservation lands, he thinks the town has the right amount of balance in order to keep pace with build out. Kingston is a beautiful place to live due to the amount of open space. Chair Chamberlain, in summation, hoped the TGSC would read and take to heart the sentiments of Commissioner Underhill in his expressive letter to the Committee outlining the philosophy of conservation imbued in the Conservation Commission. She thanked the TGSC for inviting the Cons Com to share its views on their interactions within town government. A thank you was reciprocated by Chair Elder.

On new business, the review and acceptance of the minutes from 11/3/11 was undertaken. Motion to accept by Ms. Naumann, 2nd by Mr. Stevens, the minutes were accepted unanimously with abstentions from Messrs. Tura, Dennehy and Elder.

Schedule for next meeting will be the Recreation Dept. at 7 p.m. and the CPC at 8 p.m.

Discussed strategy on inviting the TA to meetings, and the secretary contacting the MMA's consultant, Marilyn Contreas, to help the Committee with overview on our work and how we can move to final report.

Committee then discussed the overview on GIS from what was learned this evening and the Committee's need to get more information through research to assess its functions for the Town (specifically how GIS knowledge and training applies to a town engineer) and how to best explain the applications, control and cost benefits to the townspeople. A brief discussion ensued as to what parameter of expertise requirement we are seeking in engineering, be it an individual or a firm, and can that town engineer cover all areas of concern including the Health Department.

Old business: Australian Ballot research information will be updated by Ms. O'Donnell at the next meeting. Mr. Stevens thought the process was intriguing, having the potential to break up special interest voting at Town Meeting.

Motion to adjourn by Mr. Dennehy, 2nd by Mr. Stevens. Vote to adjourn at 9 p.m.