

Kingston Conservation Commission Minutes

January 20, 2009

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

Agent Updates:

- Finance Committee – need an additional 2% cut from our budget to total 7 %, after a 4% cut last year

Sue Chamberlain motioned to supplement the additional 2% cut with the Wetlands Protection Fund.

Marilyn Kozodoy seconded the motion.

7:03p.m. **VOTE: 5-0-0**

Agent Updates continued:

- Bond posted for 24 Wharf Lane (now 24 Sunset Road) in 1992 for an addition to the house needs to be released with the issuance of the Certificate of Compliance

Sue Chamberlain motioned to release the bond of \$10,000 that was posted in 1992 for 24 Sunset Road (formerly 24 Wharf Lane).

William Underhill seconded the motion.

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

Agent Updates continued:

- Board of Selectmen approved the proposed tree work at RK Crossing
- Route 27 Request for Extension of the Orders of Conditions

Marilyn Kozodoy motioned to extend the Orders of Conditions for Route 27 for three years from the date of expiration.

William Underhill seconded the motion.

7:06p.m. **VOTE: 5-0-0**

Agent Updates continued:

- Board of Selectmen request for bond from RK Crossing for tree work
The Orders of Conditions had been issued and it was too late for the Commission to request a bond as a condition of the order of conditions.

Marilyn Kozodoy motioned to choose an amount of \$10,000.00 for the bond and remand it back to the Board of Selectmen.

Sue Chamberlain seconded the motion.

7:12p.m.

VOTE: 5-00

Agent Updates continued:

- Green Energy Committee's request to change legislation to include green energy projects in the Community Preservation Act
- Site visits
- Senior Center test pits – most material sandy, need to redesign plans
- Crop Circle Cranberry – Water Management Act permit comments
- Vernal pool certification requirements being revised
- Wapping Road Dam Feasibility Study Meeting – January 26, 2009
- MACC annual conference – February 28, 2009
- Water quality and vernal pool habitat workshop – March 14, 2009

7:34p.m.

Continued a Public Hearing for a Notice of Intent for Cole Avenue, Map 58, Lot 105

Present: Steve Kotowski, Art Allen

Steve Kotowski reviewed the plans with the Commission.

Maureen Thomas asked if the 25' no disturb zone line was moved to the edge of the area where the fill was located.

Steve Kotowski stated that he was following Bob Gray's delineation.

The chairman stated that the Commission had paid for a review of the wetland delineation and felt strongly about the re-delineation of the 25' no disturb buffer zone.

Maureen Thomas asked if the area to be filled that wouldn't be filled **would** be part of the yard.

Steve Kotowski stated that they could place conservation posts along the 25' no disturb zone line.

Maureen Thomas asked if the total disturbance of 1200 square feet under the riverfront area calculations was for existing or proposed conditions.

Steve Kotowski stated that he would have to check the calculations.

Art Allen stated that he evaluated the site, soil conditions, selected a replication area and designed a replication area.

Sue Chamberlain asked Art Allen to explain where the replication would take place.

Art Allen stated that the proposed replication area would be in the Southeast corner of the site. He stated that he used Peter Fletcher's revised wetland line.

The chairman asked how they were proposing to cross the stream.

Steve Kotowski stated that they were proposing all work involving the replication area to be performed by hand.

The chairman asked Art Allen how they would get hydric soils for the replication area.

Art Allen stated that lowering the grades would change the hydrology.

Maureen Thomas stated that wetland flags 2-4 thru 2-7 were not evaluated by Peter Fletcher.

James Dehner asked about the size of the proposed replication area.

Steve Kotowski stated that it was a 1 to 1 ratio totaling 970 square feet.

James Dehner stated that there should be long term monitoring if the project was permitted. He stated that he did not feel that 1 to 1 replication was adequate.

Steve Kotowski stated that the hatched area on the plans had been historically filled. He stated that it was a poor wetland area and that the replication area would be a better way to create wetlands with a viable habitat.

The chairman disagreed with the characterization that the entire hatched area was historically filled.

Maureen Thomas read aloud performance standard 6.01 of the Kingston Wetland Protection Regulations and Article 5b (second paragraph) of the Kingston Wetland Protection By-law. She stated that in the past the Commission has allowed filling within the 25' no disturb buffer zone to access a buildable lot but not to increase the size of the buildable area of the lot under the by-law.

Sue Chamberlain motioned to close the Public Hearing.

William Underhill seconded the motion.

8:01p.m.

VOTE: 5-0-0

8:01p.m.

Continued a Public Hearing for a Notice of Intent for Wapping Road, Map 51, Lot 1

Present: Steve Kotowski, Ted Groseclose

Steve Kotowski reviewed the revised plans with the Commission and the public. He stated that Natural Heritage and Endangered Species Program (NHESP) requested changes on the plans and reviewed them with the Commission.

Maureen Thomas asked Steve Kotowski whether he had any information on whether the replication area complied with the inland wetland replication guidelines.

Steve Kotowski stated that Sharon LaPorte could have the information ready for tomorrow.

The chairman asked Steve Kotowski how wide the driveway was. Steve said 12 ' wide. The chairman then asked the applicant to consider having portions of the driveway less than 12' wide. He asked what size storm the drainage for the driveway would handle.

Steve Kotowski stated that it would typically handle a ten year storm.

The chairman asked what type of material would be used for the bank and the filling of the wetland.

Steve Kotowski stated that they would use clean compacted bank gravel.

The chairman asked if the bank would be stabilized with plantings and mesh material to hold the plantings in place.

Steve Kotowski stated that there was a modest grade and the applicant was not opposed to plantings for stabilization.

James Dehner asked what the minimum width requirement was for a driveway.

Maureen Thomas stated the driveway would need to be a minimum of 10' wide.

Steve Kotowski measured the width of the driveway on the plans and stated that the driveway was proposed at a 10' width.

Maureen Thomas requested the applicant to provide information to the commission on the elevations of the proposed rain gardens.

Sue Chamberlain motioned to continue the Public Hearing.

William Underhill seconded the motion.

8:25p.m.

VOTE: 5-0-0

Continued to 2/17/2009 @ 8:00p.m.

8:26p.m.

Informal Meeting – 40R – 1021 Kingston Place

Present: Lloyd Geisenger, Lindsay Wilson, Dave Pickard, Matt Hayes, Dave Eastridge

Lindsay Wilson stated that they would like to review the plans to date with the Commission for feedback prior to submitting a Notice of Intent.

Dave Pickard reviewed the wetlands on the plans with the Commission.

Maureen Thomas asked if the catch basins would have 4' sumps.

Dave Pickard stated yes.

Dave Eastridge stated that there were three different entities that they were dealing with which were Mass Highway, Cranberry Road redevelopment and Cranberry Road extension. He reviewed what the Notice of Intent for the Cranberry Road redevelopment would include.

The chairman stated that he had concerns about the vernal pool area and proposed slip ramp. He stated that he was concerned about erosion, erosion controls, drainage issues and any wall structure. He stated that he would like to see it included in the Notice of Intent filing. He stated that the work may be outside of the Commission's jurisdiction, but the impacts from this work may not be.

Lloyd Geisenger stated that it was a substantially more expensive ramp for it to stay outside of the 100' no disturb zone. He stated that he was totally comfortable with the Commission setting conditions for work related to the slip ramp, but not as part of the NOI filing. He would like those conditions to be part of the agreement with the Selectmen.

Dave Eastridge stated that the runoff from the slip ramp would be directed away from the vernal pool toward the center of the loop. He stated that there would be a natural berm between the vernal pool and the ramp.

Lloyd Geisenger stated that he was more than comfortable sharing the plans with the Commission regarding the ramp. He stated that they could include the plans in the filing for informational purposes.

The chairman stated that Cranberry Road was within the Riverfront Area and asked where the drainage would be directed.

Dave Pickard stated that some would be directed to the new catch basins.

Matt Hayes stated that it would be an improvement to existing conditions.

The chairman asked what they would be proposing for mitigation if they were widening the road and encroaching on the 25' no disturb buffer zone.

Dave Pickard stated that they would be alleviating existing disturbance but would look into it more. He stated that it was a limited project.

Lindsay Wilson stated that the roadway improvements should dramatically improve the area.

The chairman and the agent both indicated that some sort of treatment system for stormwater within the riverfront area of Cranberry Road would be appropriate to further aid in mitigation.

9:05p.m.

Opened a Public Hearing for a Request for Determination of Applicability for 9 Surrey Lane, Map 3, Lot 15

Present: Michael and Sue Needham

Sue Needham presented pictures of the property to the Commission. She presented the proposed project to the Commission.

James Dehner stated that no heavy equipment should be allowed within the 25' no disturb zone.

Maureen Thomas stated that the 25' no disturb zone included a water easement which was currently used.

James Dehner stated that no heavy equipment should be allowed within the 25' no disturb zone excluding the water easement.

Maureen Thomas asked if the applicants had received any communication from Natural Heritage and Endangered Species Program (NHESP).

Sue Needham stated that she had called NHESP and there was no determination yet.

Marilyn Kozodoy motioned to continue the Public Hearing.

Sue Chamberlain seconded the motion.

9:17p.m.

VOTE: 5-0-0

Continued to 2/3/2009 @ 7:25p.m.

Reviewed the draft minutes of December 2, 2008

William Underhill motioned to accept the minutes of December 2, 2008 as corrected.

Sue Chamberlain seconded the motion.

9:21p.m.

VOTE: 5-0-0

Reviewed the draft minutes of December 16, 2008

Marilyn Kozodoy motioned to approve the minutes of December 16, 2008 as corrected.

William Underhill seconded the motion.

9:23p.m.

VOTE: 5-0-0

Discussion regarding:

- the informal 40R meeting
- Cole Avenue

William Underhill motioned to issue a denial of the Orders of Conditions under Article 5b of the Kingston Wetland Protection By-law and the Wetlands Protection Act in reference to the plan titled "Plot Plan in Kingston, Mass. Prepared for Paul Nachtwey" prepared by Webby Engineering Associates, Inc. with a revision date of December 2, 2008.

Marilyn Kozodoy seconded the motion.

9:56p.m.

VOTE: 5-0-0

Sue Chamberlain motioned to adjourn.

Marilyn Kozodoy seconded the motion.

10:00p.m.

VOTE: 5-0-0