

# Kingston Conservation Commission Minutes

## January 6, 2009

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

Reviewed the draft minutes of November 18, 2008

William Underhill motioned to accept the minutes of November 18, 2008 as corrected.  
James Dehner seconded the motion.

**7:09p.m.** **VOTE: 5-0-0**

Agent Updates:

- MACC dues increasing \$21.53
- Hathaway Kiosk destroyed by vandalism – move kiosk out of parking area, move parking area, install gate, fix road (spring)

Sue Chamberlain motioned to purchase a surveillance camera to be installed at the Hathaway Preserve for no more than \$250.00 once funding is available.

William Underhill seconded the motion.

**7:37p.m.** **VOTE: 5-0-0**

Agent Updates continued:

- Community Preservation Committee – Groseclose property presentation tomorrow night
- January 8, 2009 – Finance Committee budget meeting
- DEP Stormwater outreach session – January 7, 2009
- Stormsmart coasts meeting – January 13, 2009
- Manhasset Gardens site visit – January 25, 2009

**7:44p.m.** Continued a Public Hearing for a Notice of Intent for 187 Summer Street, Map 20, Lot 3

The applicant requested a continuation.

William Underhill motioned to continue the Public Hearing.

Marilyn Kozodoy seconded the motion.

**7:44p.m.** **VOTE: 5-0-0**

**7:45p.m.** Continued a Public Hearing for a Notice of Intent for 18 Shore Drive, Map 38, Lot 222

**Present:** Steve Kotowski, Kevin Doyle, Robert Krause, Esq.

Steve Kotowski presented revised plans to the Commission. He stated that the second floor deck was cantilevered over the first floor deck.

Robert Kraus, Esq. stated that they were not going any closer to the water.

Steve Kotowski stated that they were increasing the size of the dwelling by using existing impervious areas.

The chairman stated that since the plans were received tonight and that there was a lot of information to digest, the Commission may not make a decision tonight.

Discussion regarding bulkhead

Rob Kraus, Esq. stated that they had attended six meetings and they have not gone any further with the living space towards the 25' no disturb zone.

The chairman stated that the Commission has dealt with multiple continuations per request of the applicant as well.

Marilyn Kozodoy stated that the Commission was trying to show due diligence. She also stated that the Commission had just received these plans tonight.

Robert Kraus, Esq. stated that he respectfully disagreed with the use of the coconut fiber mats and Coastal Zone Management's opinion. He stated that his client has worked in these environments. He stated that they have moved back from the no touch zone and was trying to get to the point where they can get to a resolution.

The chairman stated that the Commission has been very willing to work with the applicant. He stated that it was a lot to expect a resolution tonight since the plans were just received today from the engineer.

Discussion regarding difference in measurements between the existing bulkhead and the proposed bulkhead

Maureen Thomas stated that there was a triangle shaped area of structure within the 25' no disturb zone which would result in an increase of 15.6 square feet.

Steve Kotowski stated that they were attempting to square off the corner where the deck was located. He stated that the corner was currently squared off.

Discussion regarding the square footage differences of the existing and proposed bulkheads

Kevin Doyle stated that by moving the bulkhead would create a deduction in square footage within the 25' no disturb zone. He stated that it lends length to one side of the house. He stated that if the triangle was an issue he would be willing to reduce the size of the bulkhead.

Maureen Thomas requested that the applicant verify whether part of the coastal beach is a salt marsh area. She also requested that the applicant provide a velocity zone overlay for the property.

Steve Kotowski stated that he could email the overlay to the Conservation Agent.

Steve Kotowski reviewed the revetment portion of the project with the Commission.

James Dehner stated that the plantings seem to be upland species and asked if they would function in a coastal environment.

Kevin Doyle stated that the proposed planting were currently being used at his abutting property.

James Dehner recommended a perpetual condition for the replacement of plants with the same species proposed. He stated that the commission should perform a site visit with the newer portions of the project staked.

Discussion regarding staking of the property for the site visit

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

**8:35p.m.**

**VOTE: 5-0-0**

**Continued to February 3, 2009 @ 7:45p.m.**

The following portion of the minutes from November 6, 2007 was read aloud:

“William Underhill motioned to institute a new policy that a Public Hearing will not be opened until all fees are received from the applicant or their representative.

Marilyn Kozodoy seconded the motion.

**VOTE: 6-0-0”**

The minutes also included the following:

“20 Brentwood Road – Positive Determination of Applicability was never issued because applicant refused to pay the fee for the permit – Commission decided that the applicant would not be allowed to submit another filing until the fee is received per Town By-Laws”

Mark Guidoboni paid the outstanding \$25.00 Determination of Applicability fee to the Commission.

**8:39p.m.**

Opened a Public Hearing for a Notice of Intent for 6 Old Orchard Lane, Map 68, Lot 9

**Present:** Mark Guidoboni

Mark Guidoboni presented the proposed project to the Commission.

Maureen Thomas stated that the Notice of Intent was filed under a Category 1 which is site work without a house. She stated that this property was zoned as commercial and it seemed as though you could not use a commercial piece of property for a single family structure. She stated that she believed the Notice of Intent filing should be under Category 3 of the fee schedule.

The chairman asked what type of foundation was proposed.

Mark Guidoboni stated that a 4' concrete slab was proposed.

The chairman stated that it was a buildable lot and if sewer became available it could be used as a commercial enterprise.

Maureen Thomas stated that she would contact the Department of Environmental Protection (DEP) to find out which category of the fee schedule applied to the filing.

James Dehner stated that the Commission needed to perform a site visit and find out DEP's decision on the fees.

Mark Guidoboni stated that he would stake the four corners of the building.

William Underhill motioned to continue the Public Hearing.

Marilyn Kozodoy seconded the motion.

**9:01p.m.**

**VOTE: 5-0-0**

**Continued to February 3, 2009 @ 8:15p.m.**

**Site visit January 25, 2009 @ 11:00a.m.**

**9:04p.m.**

Continued a Public Hearing for a Notice of Intent for 26 Evergreen Street, Map 35, Lot 27 & 56

**Present:** Brian Yergatian - BSC, Robert Rego, Senior Center Building Committee, Paul Gallagher, Robert Clarke

Brian Yergatian reviewed the engineering peer review dated December 12, 2009 with the Commission and the public.

Robert Rego reviewed changes that were made to the plans and filing because of the engineering peer review with the Commission and the public.

Robert Rego's response to comments from the Engineering Peer Review issued by BSC Group (numbers in reference to numbers on peer review):

12. Robert Rego agreed that the area was not redevelopment
1. Subcatchment 1 was extended and the change was made on the plans
2. There was berm left over in sections. The site does drain to the wetlands currently and there was no long term ponding. Robert Rego stated that it was impossible to infiltrate all of the water.

Brian Yergatian stated that from observations during a rain event, there were two very large areas with a substantial depth of ponded water and infiltrates over time. He referred to section 6.02 of the Kingston Wetland Protection Regulations.

James Dehner stated that it sounded as if the berm was created from recent excavation.

Robert Rego stated that some depressions were left from excavation and was a temporary issue.

Paul Gallagher asked if it mattered where the water was coming from.

Brian Yergatian stated that most of the water was generated from rain on site and it would need to be maintained at or below existing conditions.

Maureen Thomas asked if the ponding of water was because of the berm and not because of the quality of the soils.

Robert Rego stated that it was a combination of the berm and the quality of the soils.

The chairman stated that the berm was a condition from the removal of the mound of dirt and other materials.

Continuation of Robert Rego's response to comments from the Engineering Peer Review issued by BSC Group(numbers in reference to numbers on peer review):

3. technical comment and will address
4. technical comment and will address
5. hydrologic soil group D
6. hydrologic soil group D. The test pits showed variable levels of fill. Two of the test pits had silty sand below the fill.

Brian Yergatian stated that the Department of Environmental Protection would want a textural analysis performed.

Maureen Thomas stated that the Commission would need to know where there was going to be some recharge and infiltration

Robert Rego stated that they proposed to infiltrate clean roof runoff as much as the site would allow and any overflow would go into the basins.

Continuation of Robert Rego's response to comments from the Engineering Peer Review issued by BSC Group(numbers in reference to numbers on peer review):

8. Currently do not have 2' separation from seasonal high groundwater elevation and will try to redesign if required. It would cause the site to be raised and would be costly.

Maureen Thomas stated that they could extend the infiltration area instead of raising the site. It could be broken up with shallow rain gardens.

Continuation of Robert Rego's response to comments from the Engineering Peer Review issued by BSC Group(numbers in reference to numbers on peer review):

9. Test pits and textural analysis can be performed.
10. Operations and Maintenance Plan will be revised to include measures for monitoring and preventing the spread of invasive species.
11. Will submit new Best Management Practices with modifications

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

**9:50p.m.**

**VOTE: 5-0-0**

**Continued to February 3, 2009 @ 8:30p.m.**

Agent Updates:

- 9 Smelt Pond Road – Mr. Svenson stated that site was in compliance with the enforcement order. A site visit will be performed once the snow melts.
- 18 Brook Street – no updates
- 49R Main Street – reissue the enforcement order with a new completion date in the spring.
- 25 Jones River Drive – received letter with proposed restoration and date
- Smelt Pond Bogs – waiting until snow melts to perform a site visit

Marilyn Kozodoy motioned to adjourn.  
William Underhill seconded the motion.

**10:03p.m.**

**VOTE: 5-0-0**