

Kingston Conservation Commission Minutes

October 20, 2009

7:04p.m. The chairperson called the meeting to order.
Present: Sue Chamberlain (chairperson), Marilyn Kozodoy, William Underhill, Ryan Overholt, Daniel King
Staff: Maureen Thomas, Conservation Agent and Brandi Gordon, Secretary

Agent Updates:

- Mission statement (read aloud)

7:07p.m. **William Kavol arrived.**

- Proposed 3% budget cut for FY10

William Underhill motioned to level fund the budget and use the Wetlands Protection Fund to cover the proposed 3% cut.

Marilyn Kozodoy seconded the motion.

7:18p.m. **VOTE: 6-0-0**

- Cranberry Watershed Preserve culvert – emergency order

Marilyn Kozodoy motioned to issue the emergency certification for the Pine Brook Culvert at Cranberry Watershed Preserve with an effective date given at the Conservation Agent's discretion.

William Underhill seconded the motion.

7:31p.m. **VOTE: 6-0-0**

7:31p.m. Continued a Public Hearing for an Abbreviated Notice of Resource Area Delineation for Off Parting Ways Road, Map 105, Lot 7

Marilyn Kozodoy motioned to continue the Public Hearing.

William Underhill seconded the motion.

7:36p.m. **VOTE: 6-0-0**

Continued to November 10, 2009 @ 8:45p.m.

Discussion regarding meeting schedule

Daniel King motioned to cancel the November 24, 2009 Conservation Commission meeting.

Marilyn Kozodoy seconded the motion.

7:38p.m. VOTE: 6-0-0

Discussion regarding:

- Main Street Chapter 61A foreclosure

7:47p.m. Continued a Public Hearing for a Notice of Intent for Cranberry Road and Smith's Lane, Map 76, Lots 4 and 8

The applicant requested a continuation of the Public Hearing.

Marilyn Kozodoy motioned to continue the Public Hearing.

Daniel King seconded the motion.

**7:49p.m. VOTE: 6-0-0
Continued to December 1, 2009 @ 7:30p.m.**

Discussion regarding:

- Elder Avenue – Open Space to vote to submit a Community Preservation Act application and would like a support letter from the Conservation Commission

William Underhill motioned to issue a letter of support for the application to the Community Preservation Committee for Elder Avenue.

Daniel King seconded the motion.

7:58p.m. VOTE: 5-0-1 (Marilyn Kozodoy abstained due to a potential conflict of interest)

Discussion regarding:

- Cranberry Watershed Preserve – barn vandalism
- Wapping Road – suggestions needed for naming of conservation land across from Nobadeer Village
- Stormsmart meeting – November 3, 2009 9-11:30a.m.
- 99 Monks Hill Road land donation – Selectmen voted 2-2 and did not accept the land

8:20p.m. Break

**8:30p.m. Continued a Public Hearing for a Notice of Intent for 46 Shore Drive, Map 38, Lot 233
Present: Paul Brogna – Seacoast Engineering, Tom DiGesse – property owner**

Paul Brogna reviewed the filing with the Commission. He stated that two small infiltration systems were added and the limit of work was shown by haybales and silt fence. He also stated that the new construction totaled 585 square feet with 1080 square feet to remain. He demonstrated how the coastal bank was delineated and showed changes in the flag locations on the revised plans.

Maureen Thomas reviewed potential special conditions with the Commission and applicant.

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

8:40p.m. VOTE: 6-0-0

Daniel King motioned to issue Orders of Conditions with special conditions as discussed.
Marilyn Kozodoy seconded the motion.

8:40p.m. VOTE: 6-0-0

8:45p.m. Continued a Public Hearing for a Notice of Intent for 14 Blair Drive, Map 49, Lot 142
Present: Paul Brogna – Seacoast Engineering, Doug Owen – property owner

Paul Brogna reviewed the filing. He stated that there were changes to the flags and that he received comments from the Division of Marine Fisheries and Wildlife. He reviewed their comments and his responses. He stated that the float was designed to keep it elevated 12” – 24” and includes skids.

The chairperson asked about the dimensions of the skids.

Paul Brogna stated that the skids were 6” wide and 20’ long.

William Underhill asked what material would be used for the construction of the skids.

Paul Brogna stated that the skids would be constructed of wood.

Maureen Thomas asked if there was a detail on the plan that showed the skids.

Paul Brogna stated that the detail was on page 6 of the plans.

Paul Brogna stated that one of the comments had to do with a boat resting on the substrate. He stated that many boats are grounded out twice per day. Paul Brogna continued reviewing the comments and responses to the Division of Marine Fisheries and Wildlife.

Maureen Thomas asked if stone was encountered while driving the piles, what would be done with the stone.

Paul Brogna stated that it would depend on the type of stone. He stated that they were planning on doing testing prior to installation to determine the location of potential stone that would be encountered.

The chairperson asked if there was a preservative on the pilings.

Paul Brogna stated that there would be an environmentally safe ACQ preservative used for the upper portion of the structure. The pilings in the water are treated with an arsenic-based preservative. As yet, there is no “environmentally safe” preservative that will work underwater.

Paul Brogna continued reviewing the comments and responses to the Division of Marine Fisheries and Wildlife.

The chairperson discussed shellfish mitigation with the option of leaving the shellfish in their current location, moving them, or creating a mitigation fund.

Maureen Thomas asked about the staircase at the bottom of the platform and how it relates to the impact on the mud flat.

Paul Brogna stated that they were standard stairs and that the high tide line was higher than normal at this location.

Maureen Thomas stated that the Conservation Commission previously required an applicant to mitigate for shellfish. She stated that the Accountant could not set up an account for shellfish mitigation and a revolving account needed to be established at Town Meeting in April. The mitigation money would not be able to be deposited until July 1, 2010.

Discussion regarding mitigation

Marilyn Kozodoy asked if the area was a significant land for habitat.

Maureen Thomas stated that it was an open shellfishing area.

Marilyn Kozodoy read page 21, column 2 of the Small Docks and Piers publication from the Department of Environmental Protection to clarify the wording for a special condition regarding 'the land containing shellfish designated significant'.

Daniel King stated that when you begin moving shellfish you disturb their habitat.

Marilyn Kozodoy stated that it should be a one-time seeding cost or left to the discretion of the shellfish constable per the wording on page 21 of the afore mentioned DEP publication.

William Underhill stated that a one-time seeding might be sufficient.

Daniel King motioned to close the Public Hearing.

William Underhill seconded the motion.

9:32p.m.

VOTE: 6-0-0

Daniel King motioned to issue Orders of Conditions with special conditions to include the Division of Marine Fisheries and Wildlife comments, Paul Brogna's comments and the exact wording of page 21 of the Small Docks & Piers publication from the Department of Environmental Protection.

William Underhill seconded the motion.

9:34p.m.

VOTE: 6-0-0

9:37p.m.

Opened a Public Hearing for a Request for Determination of Applicability for Foster Lane, Map 36, Lot 35

The applicant requested the opening to be postponed to November 10, 2009

William Underhill motioned to postpone the opening of the Public Hearing to November 10, 2009.

Daniel King seconded the motion.

9:37p.m.

VOTE: 6-0-0

Daniel King motioned to adjourn.

Marilyn Kozodoy seconded the motion.

9:37p.m.

VOTE: 6-0-0