

Kingston Conservation Commission Minutes

October 6, 2009

7:00p.m. The chairman called the meeting to order.
Present: Gary Langenbach (Chairman), William Underhill, Marilyn Kozodoy, Ryan Overholt, William Kavol, Daniel King
Staff: Maureen Thomas, Conservation Agent and Brandi Gordon, Secretary

Agent Updates:

- 18 Brook Street - letter sent out to the property owner with the new deadline
- Foster Lane - received an RDA application for the after-the-fact filing of a shed installed within Commission jurisdiction. He will be filing an NOI for the dock and float system, but all floats have been removed from the resource areas in the meantime.

7:02p.m. **Sue Chamberlain arrived.**

Agent Updates continued:

- 6 Prospect Street - the Commission would like an RDA for his restoration work
- 37 Rigdale Drive – Conservation Restriction has been recorded, working on issuing the Certificates of Compliance now
- Stormsmart Coasts update - The floodplain brochure for the group (Plymouth, Kingston and Duxbury) has been finalized, need to make it specific to Kingston, will hopefully go out to all residents, banks, realtors and insurance companies located in Kingston
- Mission statement – commission needs to review the mission statement and submit any changes to the Conservation Agent
- Route 106 project – starting October 13, 2009
- Land off of Main Street near the Main Street pump station being foreclosed, town has first rights to refusal
- Forest stewardship planning worksheet

Discussion regarding hiring outside consultants

It was the consensus of the Commission that they reaffirm and follow the existing policy to choose the review consultant and not offer a choice of three different review consultants to the applicant.

Reviewed the draft minutes of August 18, 2009

Daniel King motioned to accept the minutes of August 18, 2009 as corrected.
Marilyn Kozodoy seconded the motion.

7:30p.m. VOTE: 6-0-0

Discussion regarding the letter drafted to Jade Rizzo, owner of 42 Indian Pond Road

7:32p.m. Informal meeting for 105 Monks Hill Road
Present: Paul Taylor, representative

Paul Taylor stated that he would like to install a non-paved driveway to Monks Hill Road instead of using the easement over the abutter's (Costa) property.

Maureen Thomas discussed the history of the property with the Commission and the representative.

Maureen Thomas stated that the Commission had decided that the potential vernal pool needed to be assessed prior to filing for the driveway.

Discussion

7:50p.m. Continued a Public Hearing for a Notice of Intent for 9 Tarkiln Road, Map 13, Lot 24

The applicant requested a continuation of the Public Hearing to November 10, 2009 @ 7:45p.m.

William Underhill motioned to continue the Public Hearing.
Daniel King seconded the motion.

7:50p.m. VOTE: 6-0-0

Reviewed the draft minutes of September 1, 2009

Daniel King motioned to accept the minutes of September 1, 2009 as corrected.
Marilyn Kozodoy seconded the motion.

7:52p.m. VOTE: 6-0-0

Discussion regarding:

- 9 Tarkiln Road letter from Water Department regarding use of pervious pavement within a zone 2
- Site walks – 46 Shore Drive and 14 Blair Drive – October 13, 2009

8:00p.m. Opened a Public Hearing for an Abbreviated Notice of Resource Area Delineation (ANRAD) for 25 Tarkiln Road, Map 13, Lot 31
Present: Frank Westgate

Frank Westgate presented the ANRAD to the Commission and the public. He stated that they would like to use the existing crossing for access.

Maureen Thomas stated that the plan needed to be revised to show an accurate delineation of the flood zone. She stated that it was a standard procedure for the Conservation Commission to hire an outside consultant to review the filing using the applicant's money.

Sue Chamberlain reiterated to the public the purpose of the filing and the process of the filing.

Robin O'Jala from 1 South Street in Duxbury asked if the pink line depicted on the plans represented the wetlands.

The chairman stated that the pink line represented the Riverfront Area.

Robin O'Jala asked if the applicant would also need to file in Duxbury.

Maureen Thomas stated that the applicant would need to file with Duxbury and they have contacted Duxbury about the filing.

Sue Chamberlain motioned to ask the applicant to submit \$2500.00 to hire an outside consultant.

Dan King seconded the motion.

8:18p.m.

VOTE: 6-0-0

Sue Chamberlain motioned to continue the Public Hearing.

Daniel King seconded the motion.

8:18p.m.

VOTE: 6-0-0

Continued to November 10, 2009 @ 8:00p.m.

8:22p.m.

Opened a Public Hearing for a Notice of Intent for 46 Shore Drive, Map 38, Lot 233

Present: Paul Brogna – Seacoast Engineering, Tom DiJesse – owner

Paul Brogna presented the project to the Commission and the public.

Maureen Thomas stated that Paul Brogna provided the coastal bank profile. She asked if the slope was greater than 10 to 1.

Paul Brogna stated yes.

Sue Chamberlain asked how much additional impervious area would be created with the construction of the addition.

Paul Brogna stated that it would be approximately 500 square feet but could calculate it.

The chairman stated that he would want some type of mechanism so that the runoff does not sheet into the bay. He would like to see the roof runoff infiltrated.

Daniel King motioned to continue the Public Hearing.
Marilyn Kozodoy seconded the motion.

8:37p.m.

VOTE: 6-0-0
Continued to October 20, 2009 @ 8:30p.m.

8:37p.m.

Opened a Public Hearing for a Notice of Intent for 14 Blair Drive, Map 49, Lot 142
Present: Paul Brogna – Seacoast Engineering, Douglas Owen – property owner

Paul Brogna presented the project to the Commission and the public. He stated that he received a comment letter from the Division of Marine Fisheries and Wildlife.

Marilyn Kozodoy requested the representative to comment more on the stability of the bank.

Paul Brogna stated that the applicant had no formal plans to stabilize the bank. He stated that there was no need to drive any piles into the bank to compromise its integrity.

Maureen Thomas asked if the Harbormaster would receive notice of this proposal.

Paul Brogna stated that normally in the second half of permitting the Harbormaster is contacted as a courtesy.

Maureen Thomas stated that the slope of the coastal bank helps determine where the top of the coastal bank ends.

The chairman asked how high above mean low water the walkway from the dock to the intertidal area would be.

Paul Brogna stated that they would need 5' of clearance. He stated that the stairs were not mandatory but were for ease of use for the owner and the public.

The chairman asked if the float would be removed in the winter.

Paul Brogna stated that the float and gangway would be stored in the winter.

Maureen Thomas stated that the land area was too high in comparison to where the float would be located.

Harriet Dunkley from 2 Bayview Avenue asked if there was a time frame for when to remove floats.

Paul Brogna stated that floats are normally removed before Thanksgiving.

Sue Chamberlain motioned to continue the Public Hearing.
William Underhill seconded the motion.

9:05p.m.

VOTE: 6-0-0
Continued to October 20, 2009 @ 8:45p.m.

9:08p.m. Continued a Public Hearing for a Request for Determination of Applicability for 36 Elm Street, Map 56, Lot 1

Present: Tom Poulos

Maureen Thomas stated that Paul Armstrong needed to review the ramp so that it complied with the Americans with Disabilities Act (ADA). She stated that a condition of the permit could be the submittal of a finalized sketch. She stated that she didn't think the Commission should unduly restrict an ADA ramp. If there were any runoff issues, the runoff would go into the Coughlin & Coughlin parking lot.

William Kavol stated that there should be access to the building for wheelchairs.

Daniel King motioned to issue a Negative Determination of Applicability with conditions including continuing supervision by the Conservation Agent and the submission of a finalized sketch of the proposed ramp.

Marilyn Kozodoy seconded the motion.

Maureen Thomas asked what concerns the Commission had as far as adverse impacts.

The chairman stated that he did not see any adverse impacts but that the Commission would be deviating from the regular process by approving a project without a sketch available to review in order to aid it in the decision making process.

Discussion

The chairman stated that he was not opposed but was uncomfortable with the motion.

Sue Chamberlain stated that she agreed with the Chairman but was willing to vote in favor of the project.

9:21p.m. **VOTE: 6-0-0**

Discussion regarding House Bill 4167

William Underhill motioned to send a letter to State Representative Thomas Calter and Senate President Therese Murray stating that the Commission was opposed to House Bill 4167.

Marilyn Kozodoy seconded the motion.

9:28p.m. **VOTE: 6-0-0**

Sue Chamberlain motioned to adjourn.

William Underhill seconded the motion.

9:30p.m. **VOTE: 6-0-0**