

Kingston Conservation Commission Minutes

November 6, 2007

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

Informal meeting with John Champ regarding the riding of motor vehicles on his property

Discussion regarding the location of the dirt bike track in relation to the vernal pools and wetlands on the property.

The Commission agreed that the riding of motor vehicles on the small track outside of the 25' no disturb zone to the wetlands was unlikely to have an adverse impact on the wetland, vernal pool or vernal pool species. Riding has been occurring within 100' of the vernal pool, but the existing home and yard was also built within 100' to the vernal pool.

7:10p.m. **William Kavol arrived.**

Discussion regarding debris within 100' of a vernal pool at 14 Silverlake Drive

Sue Chamberlain motioned to send an Enforcement Order to the property owner of 14 Silverlake Drive to remove the debris pile within the 100' no disturb buffer zone to a vernal pool.

William Underhill seconded the motion.

7:11p.m. **VOTE: 6-0-0**

Discussion regarding the letter received from Boy Scout Troop 49 requesting the use of the Hathaway Preserve for a camping trip

William Underhill motioned to allow Boy Scout Troop 49 to use the Hathaway Preserve.

Marilyn Kozodoy seconded the motion.

7:14p.m. **VOTE: 6-0-0**

Discussion regarding:

- Arrowsmith Bogs
- 49R Main Street

William Underhill motioned to issue a deadline of January 1, 2008 for the submittal of a restoration plan for 49R Main Street or the property owner would be fined every day thereafter.

James Dehner seconded the motion.

7:24p.m. VOTE: 6-0-0

Discussion regarding East Avenue and Howlands Lane – David Seone – cut wetland vegetation on property for the 3rd time

Sue Chamberlain motioned to ratify the fine issued to David Seone. William Underhill seconded the motion.

7:27p.m. VOTE: 6-0-0

Discussion regarding possible dumping of liquid from trash compactor truck in wetlands by A Plus Disposal

7:34p.m. Opened a Public Hearing for a Request for Determination of Applicability for 55 Landing Road, Map 37, Lot 51

Present: Pine duBois

Pine duBois presented the project to the Commission and public. She discussed history of the area with the Commission and public.

The chairman stated that the reason that the Commission had requested the applicant to file with the Commission was because they had received some complaints. He stated that he did not agree that the property was exempt.

Pine duBois stated that she had contacted the Conservation Agent ten days prior to the beginning of the project. She stated that the agent performed a site visit and stated that the project was within the riverfront area. She also stated that she thought the agent had said that she wasn't going to worry about it.

Maureen Thomas apologized for the misunderstanding. She stated that this filing should be issued a Negative Determination with conditions. She also recommended that the resource area be delineated in the future.

William Underhill motioned to issue a Negative Determination with conditions.

Sue Chamberlain seconded the motion.

7:59p.m. VOTE: 6-0-0

William Kavol motioned to close the Public Hearing.

Marilyn Kozodoy seconded the motion.

7:59p.m. VOTE: 6-0-0

8:00p.m. Opened a Public Hearing for a Request for Determination of Applicability for 194 Brookdale Street, Map 11, Lot 10

Present: Shayne McGlone, Fred Nava

Shayne McGlone presented the project to the Commission and the public.

Discussion regarding disturbance from wetland line to any activity

James Dehner suggested the planting of four red maples or native trees to establish the line where the haybales are located within the inner riparian zone.

Sue Chamberlain motioned to close the Public Hearing.

Marilyn Kozodoy seconded the motion.

8:14p.m. VOTE: 6-0-0

Sue Chamberlain motioned to issue a Negative Determination of Applicability with conditions.

Marilyn Kozodoy seconded the motion.

8:14p.m. VOTE: 6-0-0

8:15p.m. Continued a Public Hearing for a Notice of Intent for Cole Avenue, Map 58, Lot 105

Present: Steve Kotowski

Steve Kotowski stated that he had dropped off revised plans after speaking with the client to move the proposed house to the limit of closeness to the street. He stated that they could stake the area for an additional site visit.

James Dehner asked about the sewer line.

Steve Kotoski stated that the applicant felt that he may have a better chance of getting on the list if he obtains all other necessary permits first.

Maureen Thomas asked if the road would need to be extended.

Steve Kotowski stated that only the corner of the road would need to be extended.

Maureen Thomas asked if the disturbed area for the sewer line was included in the riverfront area calculations.

Steve Kotowski stated that he did not believe that the sewer line disturbance was included in the riverfront area calculations. He also stated that the sewer line could be placed in the gravel area.

The chairman requested that three points of the limit of work and the two southerly points of the house be staked.

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

8:27p.m.

VOTE: 6-0-0

Continued to 11/20/2007 @ 8:45p.m.

8:30p.m.

Continued a Public Hearing for a Request for Determination of Applicability for 22 Reed Street, Map 17, Lot 72

Present: Steve Kotowski, George Arra

Steve Kotowski stated that the current septic system was in failure.

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

8:32p.m.

VOTE: 6-0-0

Sue Chamberlain motioned to issue a Negative Determination of Applicability with conditions.

James Dehner seconded the motion.

8:34p.m.

VOTE: 6-0-0

Discussion regarding location of the shed at 22 Reed Street with George Arra

8:36p.m.

Continued a Public Hearing for a Request for Determination of Applicability for 41 Winthrop Street, Map 18, Lot 32

Present: John Earner

John Earner explained the filter system and discussed how the pool would be drained.

Maureen Thomas stated that when the pool is drained, the water must be free of chlorine.

John Earner stated that it would only take three days for the water to be free of chlorine. He also stated that if the pool needed to be emptied, a truck would be used.

James Dehner stated that there was probably ledge on the property and if it affects the project, the Conservation Agent would need to be contacted.

Sue Chamberlain motioned to close the Public Hearing.

Marilyn Kozodoy seconded the motion.

8:44p.m.

VOTE: 6-0-0

Sue Chamberlain motioned to issue a Negative Determination of Applicability with conditions.

Marilyn Kozodoy seconded the motion.

8:44p.m.

VOTE: 6-0-0

Reviewed the draft minutes of August 21, 2007

Marilyn Kozodoy motioned to accept the minutes of August 21, 2007 as corrected.

William Underhill seconded the motion.

8:46p.m.

VOTE: 6-0-0

Reviewed the draft minutes of September 4, 2007

Marilyn Kozodoy motioned to accept the minutes of September 4, 2007 as corrected.

William Underhill seconded the motion.

8:50p.m.

VOTE: 6-0-0

Discussion regarding dates of Conservation Commission meetings in January

It was the consensus of the Commission to move the Conservation Commission meetings to the second and fourth Tuesday of the month due to the January 1st holiday.

Discussion regarding the Kingston Wetland Protection Regulations and scheduling a new date of January 22, 2007 for the continuation of the Public Hearing

Discussion regarding:

- 70 Indian Pond Road enforcement order with deadline for planting of June 1st
- 19 Station Street – existing enforcement order
- 20 Brentwood Road – Positive Determination of Applicability was never issued because applicant refuse 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

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.

9:07p.m.

VOTE: 6-0-0

Discussion regarding:

- Opachinski Fields – reprocessed asphalt placed over wetland crossing thru the main gate
- 40R Ramp issue with vernal pool

Sue Chamberlain motioned to adjourn.

Marilyn Kozodoy seconded the motion.

9:15p.m.

VOTE: 6-0-0