

# Kingston Conservation Commission Minutes

## December 1, 2009

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

Agent Updates:

- Trial for Camp Nekon tree cutting rescheduled to January 12, 2010
- Tarkiln Road appeal – sent memo to Board of Selectmen regarding the use of Town Counsel
- Submitted two applications to the CZM CPR grant program to fund design, engineering and permitting for mitigating stormwater impacts in the Jones River from Wapping Road drainage and Landing Road drainage on behalf of the Conservation Commission
- Flood Hazard Brochures – will be mailed in next tax bill, the Sewer Dept is funding the entire mailing
- MEMA Grant Application – Sewer Dept
- CZM site visit at Rocky Nook Avenue
- JRWA Support Letter for NOAA Open Rivers Grant Application

William Underhill motioned to approve the issuance of a support letter to the Jones River Watershed Association for the NOAA Open Rivers Grant Application.

Marilyn Kozodoy seconded the motion.

**7:15p.m.** **VOTE: 5-0-0**

Discussion regarding:

- Brentwood Road CPA application
- ECR letter requesting a waiver from the 25' no disturb to a flood zone for 9 Tarkiln Road

**7:48p.m.** Informal Meeting regarding 20 Brentwood Road CPA Application

**Present:** Mark Guidoboni – representative

Mark Guidoboni presented the CPA application to the Commission. He discussed history of the property and requested support from the Conservation Commission.

The chairman asked the representative if they had asked for support from the Open Space Committee.

Mark Guidoboni stated that the Open Space Committee's main focus was on the Calista Property.

The chairman asked how big the piece of town land was across from 20 Brentwood Road.

Mark Guidoboni stated that it was about the same size as 20 Brentwood Road.

Marilyn Kozodoy asked about the connection of the properties mentioned in the presentation.

Mark Guidoboni reviewed the locations on the plans with the Commission.

William Underhill stated that the representative had mentioned a Conservation Restriction (CR) and asked who would be holding the CR.

Mark Guidoboni stated that if the town was not interested in holding the CR then the Boys and Girls Scouts of Kingston, Inc. would hold the CR.

The chairman stated that a CR would require stewardship money and that the CR would have to be held by an outside entity if the property was owned by the town.

William Underhill motioned to take this matter under advisement.

Marilyn Kozodoy seconded the motion.

**8:04p.m.** **VOTE: 5-0-0**

Reviewed the Draft Minutes of October 20, 2009

Marilyn Kozodoy motioned to accept the minutes of October 20, 2009 as corrected.

William Underhill seconded the motion.

**8:11p.m. VOTE: 5-0-0**

Break

**8:28p.m. Continued a Public Hearing for an Abbreviated Notice of Resource Area Delineation for 25 Tarkiln Road, Map 13, Lot 31**

The applicant requested a continuation.

William Underhill motioned to continue the Public Hearing.

Marilyn Kozodoy seconded the motion.

**8:28p.m. VOTE: 5-0-0**

**8:28p.m. Continued a Public Hearing for a Notice of Intent for Cranberry Road and Smith's Lane, Map 76, Lots 4 & 8**

The applicant requested a continuation.

William Underhill motioned to continue the Public Hearing.

Marilyn Kozodoy seconded the motion.

**8:28p.m. VOTE: 5-0-0**

**8:30p.m. Continued a Public Hearing for a Notice of Intent for 9 Tarkiln Road, Map 13, Lot 24**

**Present:** Walter Sullivan, Esq., Brad Holmes – ECR, Barbara Thissell, P.E., Martin Coleman – facility manager

Barbara Thissell reviewed the history of the proposed project and the changes to the drainage.

Sue Chamberlain mentioned the silt fence being within the 25' no disturb zone.

Barbara Thissell stated that the silt fence was for the limit of work and not necessarily for sedimentation.

Maureen Thomas stated that the plan could be conditioned instead of having a plan revision.

The chairman stated that on the site walk in August, wetland flags D-8 and D-9 were supposed to be moved but it was never conveyed to the plans. He stated that it wouldn't affect the project, but if the Commission was to approve the line and the applicant decided to file for another project within three years it could be an issue.

Brad Holmes stated that he needed to coordinate this with ECR.

Barbara Thissell stated that the silt fence would be moved outside of the 25' no disturb zone.

Brad Holmes reviewed the mitigation and landscape plan.

Maureen Thomas asked about the plantings extending north into the detention basin.

Brad Holmes stated that if they could expand the plantings into the lawn area.

Maureen Thomas stated that after reviewing their submittal, she didn't believe that the infiltration area was considered redevelopment. She read aloud 310 CMR Section 10.58 (4) (d) 2. a. under no significant adverse impacts.

Maureen Thomas stated that one member of the Commission was hoping that the applicant would incorporate more plantings.

The chairman stated that he did not want the area to look like a managed area. He wanted the area to look natural. He stated that once the area was planted, the area should be left alone.

Maureen Thomas stated that she believed it was the applicant's intention to keep the area natural. They were only planning on using mulch around the base of the plantings to retain moisture.

The chairman stated that he would not want the area to be mowed.

Brad Holmes stated that only the basin would be mowed occasionally to keep the basin functioning properly.

The chairman referred to a letter dated November 30, 2009 requesting a waiver of the 25' no disturb zone to Bordering Land Subject to Flooding.

Brad Holmes stated that the infiltration basin could be considered a betterment.

Maureen Thomas stated that the infiltration basin was required for stormwater treatment.

The chairman stated that he did not consider the area to be degraded or redevelopment.

Sue Chamberlain motioned to approve the request for a waiver to the 25' no disturb zone to Bordering Land Subject to Flooding.

William Underhill seconded the motion.

**8:54p.m.**

**VOTE: 5-0-0**

Maureen Thomas reviewed potential conditions for the Orders of Conditions with the Commission and the applicant's representatives.

Discussion regarding conservation posts (4 posts 30' apart)

The chairman requested a note in the Orders of Conditions regarding the amount of Riverfront Area that had been used for development.

Maureen Thomas stated that there was 390 square feet of Riverfront Area available to be used.

Maureen Thomas continued reviewing possible conditions for the Orders.

Marilyn Kozodoy motioned to close the Public Hearing.

Sue Chamberlain seconded the motion.

**9:05p.m.**

**VOTE: 5-0-0**

William Underhill motioned to issue Orders of Conditions with special conditions subject to the receipt of revised plans.

Marilyn Kozodoy seconded the motion.

**9:05p.m. VOTE: 5-0-0**

Discussion regarding the Brentwood Road CPC Application

Sue Chamberlain motioned to commit the Conservation Commission's support to another proposal for the purchase of the Calista property which would protect natural resources (which includes a potential vernal pool), would have a high threat for development, and would protect its historical significance.

William Underhill seconded the motion.

**9:30p.m. VOTE: 4-0-1 (Marilyn Kozodoy abstained)**

William Underhill motioned to adjourn.

Ryan Overholt seconded the motion.

**9:30p.m. VOTE: 5-0-0**