

Kingston Conservation Commission Minutes

February 17, 2009

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

Signing of documents

7:02p.m. Continuation of a Public Hearing for a Notice of Intent for 18 Shore Drive, Map 38, Lot 222

Present: Steve Kotowski, Robert Kraus, Esq., Kevin Doyle

Steve Kotowski reviewed the changes to the plan with the Commission.

The chairman asked if they were squaring off a deck or living space in the triangular hatched area shown on the plans.

Kevin Doyle stated that the chimney was in that location and that he was not squaring the area off.

Maureen Thomas asked what the 5' by 6 ½' area depicted on the plans would include.

Kevin Doyle stated that it would be two and a half levels and would include a staircase.

James Dehner stated that he felt more positive about the proposal with the changes that have occurred within the last three meeting.

Discussion regarding the applicant going to the Zoning Board of Appeals to allow the proposed structure closer to the street

Kevin Doyle showed examples of the coco-fiber logs to the Commission. He described how planting pockets would be incorporated into the design along with filter fabric. He also discussed fiber erosion control mats.

Maureen Thomas asked how many planting pockets were proposed.

Kevin Doyle stated that there were eighteen planting pockets proposed (nine on each side of the staircase).

Maureen Thomas asked if he was proposing to disperse the planting pockets throughout each side of the staircase.

Kevin Doyle stated yes.

Marilyn Kozodoy stated that the applicant was asked to consult an engineer on this proposal and chose to hire a lawyer instead. She questioned the current design since it uses more stones than soft engineering which had been suggested by CZM staff.

Kevin Doyle stated that rocks had spaces between them so they are pervious and water goes thru them. He stated that it was not a sheet of stone and that there were air pockets. He stated that he had spoken with Michael Marcus of New England Environmental Engineering, Inc. about the design.

Marilyn Kozodoy asked if the applicant had anything in writing from Mr. Markus stating that the wall would be supported adequately with the current proposal.

Kevin Doyle stated that he felt that Webby Engineering was capable of determining whether the current proposal would be effective.

James Dehner stated that a condition that could be included in the Orders of Conditions could be that it would be evaluated in one year to see if it was functioning properly.

Maureen Thomas requested a maintenance plan for the planting pockets and plants.

James Dehner motioned to close the Public Hearing and take the matter under advisement.

William Underhill seconded the motion.

7:36p.m. VOTE: 5-0-0

7:38p.m. Opened a Public Hearing for a Notice of Intent for 10 Adams Avenue, Map 38, Lot 119

Present: Greg Morse, Steve Weiss

Greg Morse reviewed the site with the Commission and the public. He also reviewed the proposed work, flood zones and the top of the coastal bank.

The chairman asked about the dimensions of the proposed deck.

Greg Morse stated that the deck would be 158 square feet and would be a 12' by 18' deck.

The chairman asked about the dimensions of the brick patio and sundeck that were to be removed.

Greg Morse stated that the brick patio and sundeck would be 215 square feet.

Maureen Thomas asked about the approximate location of the cess pool.

Greg Morse stated that the cess pool was possibly just south of the drywell but was unsure.

James Dehner requested that one corner of the proposed deck and proposed patio be staked for the site visit.

Greg Morse showed an aerial photograph of the property to the Commission and public.

Russell Perkins from 7 Adams Avenue asked why they never hooked up to sewer.

The chairman stated that he would have to ask the Sewer Commission.

James Dehner motioned to continue the Public Hearing.
Sue Chamberlain seconded the motion.

8:00p.m. VOTE: 5-0-0
Site visit 2/24/2009 @ 5:15p.m.
Continued to 3/3/2009 @ 8:00p.m.

8:00p.m. Opened a Public Hearing for an Abbreviated Notice of Resource Area Delineation for Main Street and Baker Avenue, Map 58, Lots 9, 94, 95, 96, 97, 110

Present: Steve Kotowski, John Rockwood

John Rockwood stated that the area was originally delineated by Dr. Hewitson. He stated that he first became familiar with the site in 2006. He reviewed the wetland delineation on the plans with the Commission and the public.

Maureen Thomas asked when he was last on the site.

John Rockwood stated that he was last on the site in September 2008. He stated that there were a couple of minor changes to the plans since the ANRAD submittal.

James Dehner stated that the Commission should perform a site visit.

The chairman stated that the Commission should request funds from the applicant to review the wetland flagging.

Discussion regarding hiring an outside consultant

William Underhill motioned to request \$1500.00 from the applicant to hire an outside consultant.

Marilyn Kozodoy seconded the motion.

8:22p.m. VOTE: 5-0-0

Discussion regarding obtaining three estimates for consultant services

Marilyn Kozodoy motioned to get three consultant bids for review of the wetland line.

William Underhill seconded the motion.

8:26p.m. VOTE: 5-0-0

Alton Silvia from 7 Baker Avenue stated that there was a paper street and the stream constantly flows.

The chairman stated that the filing was only to delineate the resource areas.

Patricia Martin from 88 Main Street stated that there was another vernal pool to the south of the driveway.

The chairman stated that if the area was within 100' of the property than it should be delineated.

Steve Kotowski stated that he would contact the property owner and ask permission to review and possible flag the area.

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

8:36p.m.

VOTE: 5-0-0

Continued to March 17, 2009 @ 7:30p.m.

8:38p.m.

Continued a Public Hearing for a Notice of Intent for Wapping Road, Map 51, Lot 1

Present: Steve Kotowski, Charles Groseclose

Steve Kotowski stated that he received a revised narrative from Sharon LaPorte for the replication area. He stated that language had been added to the plan from the narrative but needed to add some additional information to the plan. He reviewed the plans with the Commission.

Sue Chamberlain asked how the material would be excavated.

Steve Kotowski stated that material would be excavated with machinery.

Sue Chamberlain asked about the location of the replication area.

Steve Kotowski stated that the replication area would be 5' – 8' from the wetland line. He stated that it would be a 520 square foot extension of the existing wetlands.

Maureen Thomas stated that there were white pine trees proposed for the rain garden and recommended that they not use white pine trees. She also requested a maintenance plan for the rain gardens.

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

9:00p.m. VOTE: 5-0-0

William Underhill motioned to issue Orders of Conditions with special conditions subject to receipt of information and revised plans.
Marilyn Kozodoy seconded the motion.

9:00p.m. VOTE: 5-0-0

9:00p.m. Continued a Public Hearing for a Request for Determination for 9 Surrey Lane, Map 3, Lot 15

Received letter from Natural Heritage and Endangered Species Program stating that the proposed work would not cause any adverse impacts

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

9:03p.m. VOTE: 5-0-0

Sue Chamberlain motioned to issue a Negative Determination of Applicability.
William Underhill seconded the motion.

9:03p.m. VOTE: 5-0-0

9:04p.m. Continued a Public Hearing for a Notice of Intent for 26 Evergreen Street, Map 35, Lot 27 & 56

Present: Bob Clark, Ron Gleason, Paul Gallagher, Bob Rego

Bob Rego presented the revised plans to the Commission. He reviewed the results of the test pits.

Sue Chamberlain asked about the status of the clean up.

Paul Gallagher stated that he believed the highway department was out on the site the next day with equipment once they had received the letter from the Board of Selectmen.

Maureen Thomas asked if the site would be elevated 1' above the proposed elevation.

Bob Rego stated the slab would be set at elevation 36 and there would be 3' of fill in the center of the building. It would be raised 1' to accommodate for infiltration.

The chairman asked about rain gardens with peripherals instead of Stormceptors.

Bob Rego stated that .35" needs to be treated for every square foot of impervious area. He stated that rain gardens would push the project further in the buffer zones.

Maureen Thomas asked how the pocket wetlands would be vegetated.

Bob Rego stated that they would be vegetated with New England Seed Mix (native species).

James Dehner requested a detail on the wildflower mix.

The chairman requested a calculation of what was previously disturbed that will now be newly disturbed with the proposed project.

The chairman stated that he was not happy that the restoration plan was not included with the filing. He stated that allowing this project with no mitigation included in the filing would be looked upon very, very badly when used as an example for future filings by other parties.

Paul Gallagher stated that if they were to incorporate the requirement for restoration, it would be a requirement of the Senior Center Building Committee.

The chairman stated that the restoration was part of the property. He stated that the Commission would need to waive no disturb zones and would have to justify why it was being allowed.

Paul Gallagher stated that the Senior Center Building Committee couldn't control what was happening for restoration.

James Dehner stated that whenever there is a take, you have to justify it through replication with no net loss.

Paul Gallagher stated that they knew they had to replicate somewhere and was more than happy to support it at any site. He stated that the Senior Center Building Committee (SCBC) would have no control over the replication on other sites.

The chairman stated that the filing could not go forward if there was no mechanism to ensure that replication occurs.

Paul Gallagher asked if the SCBC would be held accountable for replication work not occurring if there was a plan in place in writing and submitted in the filing.

The chairman stated that they could be held accountable, but the Commission would try to use other forms of leverage first.

Discussion

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

9:55p.m.

VOTE: 5-0-0

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

9:55p.m.

Informal Meeting with John Bartlett regarding 7 Brook Street

Maureen Thomas stated that Mr. Bartlett would like to cut trees within the 25' no disturb buffer zone. She stated that there were three trees that were leaning towards their house and that they were not in estimated habitat.

James Dehner requested Mr. Bartlett to remove any debris from the site.

Maureen Thomas requested that Mr. Bartlett notify her when the tree company would be on site.

Reviewed the Draft Minutes of January 6, 2009

William Underhill motioned to accept the minutes of January 6, 2009 as corrected.

Marilyn Kozodoy seconded the motion.

10:00p.m. VOTE: 5-0-0

Discussion regarding:

- 25 Jones River Drive request to eliminate the 5 foot no mow zone adjacent to the wetland area

It was the consensus of the Commission to not eliminate the 5 foot no mow zone adjacent to the wetland area.

- L. Knife request for Extension of the Orders of Conditions

Marilyn Kozodoy motioned to extend the Orders of Conditions for L. Knife for a period of three years.

William Underhill seconded the motion.

10:01p.m. VOTE: 4-1-0 (Gary Langenbach opposed)

Discussion cont.:

- Cole Avenue Enforcement Order for removal of fill

10:07p.m. 18 Shore Drive

Discussion

Sue Chamberlain motioned to issue Orders of Conditions with special conditions subject to the receipt of revised plans and the coastal embankment plant maintenance plan.

James Dehner seconded the motion.

10:12p.m. VOTE: 3-2-0 (Gary Langenbach and Marilyn Kozodoy opposed)

Need to readdress whether or not the vote passed after Town Counsel opinion is received

Discussion regarding:

- Pawtuxet Park Community Garden
- Manhasset Gardens donation of land
- 19 Station Street Request for Extension of the Orders of Conditions

Sue Chamberlain motioned not to extend the Orders of Conditions because any new proposed project would be significantly different from the plan that was permitted under the original Orders of Conditions. A new Notice of Intent would need to be filed for a new proposal on the property.

Marilyn Kozodoy seconded the motion.

10:29p.m. VOTE: 5-0-0

William Underhill motioned to adjourn.

Marilyn Kozodoy seconded the motion.

10:30p.m. VOTE: 5-0-0