

# Kingston Conservation Commission Minutes

## March 17, 2009

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

Discussion regarding:

- P.A. Landers land swap proposal
  - the chairman voiced his concerns over the land swap proposal which included:
    - land was not of equal value, water table, it would take two acts of legislature and town meeting, ground water elevation, ponds, vernal pools, wells, Plymouth Carver Aquifer, zoning would have to be changed, procurement process, waiver of gravel removal permit, Article 97

**7:10p.m.** **James Dehner arrived.**

Marilyn Kozodoy motioned as a Commission to not be in support of the P.A. Landers land swap proposal and to forward the list of concerns mentioned above to the Town Administrator. The Commission will have no further comment until after the comment period has expired.  
William Underhill seconded the motion.

**7:14p.m.** **VOTE: 5-0-0**

**7:14p.m.** Informal Meeting with Craig Dalton from the Historical Commission regarding the archaeological survey

Craig Dalton stated that the archaeological survey would be used to determine whether projects would fall into these identified areas. It would be used to assess the proposed projects' potential impacts and offer

possible mitigation and/or planning. Boards and Commissions would need to notify the Historical Commission of upcoming proposed projects coming before them to allow ample time to review the location in conjunction with the archaeological survey.

Discussion regarding the Community Preservation Act reduction/elimination articles for Town Meeting. The Commission had previously voted to not support a reduction in the CPA percentage.

**7:30p.m. William Kavol arrived.**

**7:38p.m. Continued a Public Hearing for an Abbreviated Notice of Resource Area Delineation for Main Street and Baker Avenue, Map 58, Lots 92, 94, 95, 96, 97, 110**

The applicant and Commission requested to continue the Public Hearing.

Marilyn Kozodoy motioned to continue the Public Hearing.

William Underhill seconded the motion.

**7:38p.m. VOTE: 6-0-0  
Continued to April 7, 2009 @ 7:45p.m.**

Agent Updates:

- 9 Smelt Pond Road – in spite of extensions, particle board and pressure treated wood on slope heading toward wetland, some within 25' no disturb zone
- 18 Brook Street – no work has occurred due to snow, property owner said he would be working on it this weekend
- 49R Main Street – property owner tried to remove portion of the grade that wasn't low enough, machinery got stuck again, high bush blueberries are waiting for him at the nursery
- Potential wage freeze in lieu of 7% cut
- Evan Dalton – expressed interest in certifying vernal pools this spring on Town property
- Concerns about salt use and runoff on Lake Street
- Cole Avenue site visit with DEP on March 18, 2009 at 10:00a.m
- Old Orchard Lane site visit – March 31, 2009 @ 5:10p.m.
- James Harkins, scout – contacted Conservation Agent about earlier proposed storm drain stenciling project

Reviewed the draft Kingston Conservation Commission Handbook

James Dehner motioned to approve the Kingston Conservation Commission Handbook as amended.

Marilyn Kozodoy seconded the motion.

**8:06p.m. VOTE: 6-0-0**

Agent Updates continued:

- Pictometry workshop
- Coastal erosion workshop
- Vernal pool workshop
- Jones River Watershed Association support letter for grant application

**8:20p.m. Continued a Public Hearing for a Notice of Intent for 187 Summer Street, Map 20, Lot 3**

The applicant requested a continuation of the Public Hearing.

William Underhill motioned to continue the Public Hearing.

Marilyn Kozodoy seconded the motion.

**8:20p.m. VOTE: 6-0-0  
Continued to April 7, 2009 @ 8:00p.m.**

**8:21p.m. Opened a Public Hearing for a Request for Determination of Applicability for 15 Winthrop Street, Map 19, Lot 11**

Maureen Thomas presented the plans to the Commission.

James Dehner asked how much of an impact the proposed project to run underground utility lines would have.

Maureen Thomas stated that there would be no loose material and they would backfill as they continue with the project.

Discussion regarding conditions

William Underhill motioned to close the Public Hearing.

Sue Chamberlain seconded the motion.  
**8:26p.m. VOTE: 6-0-0**

James Dehner motioned to issue a Negative Determination of Applicability with conditions.  
Marilyn Kozodoy seconded the motion.  
**8:27p.m. VOTE: 6-0-0**

**Reviewed the draft minutes of February 17, 2009**

William Underhill motioned to accept the minutes of February 17, 2009 as corrected.  
Marilyn Kozodoy seconded the motion.  
**8:31p.m. VOTE: 6-0-0**

**8:31p.m.** Continued a Public Hearing for a Notice of Intent for 26 Evergreen Street, Map 35, Lot 27 & 56  
**Present:** Bob Rego, Bob Clark, Jack Burrey, Dave Coulter, Ron Gleason, Phil Burnham, Muriel Boyce, Ruthann Cassidy

Maureen Thomas stated that revised plans were received in the office on last Wednesday and she submitted comments to Prime Engineering. Prime Engineering responded to the comments and submitted them to the office today.

Bob Rego stated that they had originally received a comment from March 5<sup>th</sup> to incorporate Low Impact Development (LID) techniques. He stated the following:

- Unable to reduce aisle width in parking lot due to safety reasons
- Concrete pavers with no mortar would be used making them permeable
- The grade and skinny width of the islands in the parking lot make it impossible to install rain gardens
- Tree box filters would be similar to rain gardens and would be good at removing contaminants

Bob Rego reviewed LID requirements:

- Minimize disturbance to existing trees and shrubs
- Construct pocket wetlands
- Patio blocks not mortared

- Use of previously disturbed areas

The chairman asked Bob Rego to explain why raingardens could not be used on the site.

Discussion regarding raingardens

Maureen Thomas asked if the pocket wetlands used to polish the stormwater were necessary.

Bob Rego stated that they treat the stormwater and control the rate of flow. He stated that they still needed basins to control the additional stormwater.

Bob Rego stated that they would be using a New England Wetland Mix in the basins and that there would be no standing water at the interface.

The chairman stated that he did not want to see landscaped lawns and trees in the restored buffer areas.

Marilyn Kozodoy stated that the area should be as close to the natural habitat as possible.

The chairman stated that he would like to see a more detailed planting plan.

Discussion regarding mitigation numbers

Maureen Thomas stated that the Commission should have a plan that shows what areas are proposed to be restored.

The chairman stated that they would need to protect the buffer to the vernal pool as part of the proposed mitigation.

The conservation agent asked how the Commission felt about the replication plan.

The chairman asked how the engineer calculated the square footage.

Bob Rego explained the calculations referencing the plan. He reviewed the planting plan with the Commission.

James Dehner stated that some plantings would not adapt, but over the long term the area would naturally vegetate.

Sue Chamberlain stated that they were required by the Wetlands Protection Act to have mitigation and she did not want it to become an afterthought.

Maureen Thomas stated that there are usually areas staked on the site as reference points to show the edges of the parking lot or the pocket wetlands.

The chairman requested that the building and outlets be staked. He stated that he would like more detail of what was being proposed for plantings.

Discussion regarding plantings, grass, wildflower location

James Dehner stated that if the Commission was requiring a Conservation Restriction (CR) that it should be discussed and asked for specifically tonight.

Discussion regarding possible CR areas

The chairman stated that they needed to go above and beyond simple one-to-one replication and mitigation so that this project could not be used as a precedent setting situation replicated by other applicants.

Ron Gleason stated that he and chairman Gallagher had previously indicated that they would support a CR on some of the parcels that were discussed.

Bob Rego asked if the Orders of Conditions would be issued prior to the CR.

The chairman stated yes. The CR could be conditioned to be required before a certificate of compliance is issued or an occupancy permit.

James Dehner suggested Blackwater Swamp as the area for the CR.

Maureen Thomas requested the use of mulched socks instead of haybales.

Maureen Thomas asked if stormceptors were cleaned out like catch basins.

Bob Rego stated yes.

It was the consensus of the Commission to have no Kentucky Bluegrass used on the site but use fescue for any grassed areas.

Bob Rego reviewed the list of what was needed for the next Conservation Commission meeting.

Maureen Thomas asked if there would be any use of salt on the site.

Bob Rego stated that no salt would be used on the site.

It was the consensus of the Commission to allow the use of a 50/50 salt sand mix on the site for de-icing purposes.

William Underhill motioned to continue the Public Hearing.

Marilyn Kozodoy seconded the motion.

**9:50p.m.**

**VOTE: 6-0-0**

**Continued to April 7, 2009 @ 8:30p.m.**

James Dehner motioned to adjourn.

Sue Chamberlain seconded the motion.

**9:51p.m.**

**VOTE: 6-0-0**