

Kingston Conservation Commission Minutes

April 3, 2007

7:03p.m. The chairman called the meeting to order.
Present: Gary Langenbach (chairman), Marilyn Kozodoy, James Dehner, William Underhill, Sue Chamberlain
Staff: Maureen Thomas, Conservation Agent and Brandi Gordon, Secretary

Reviewed the minutes of February 6, 2007

William Underhill motioned to accept the minutes of February 6, 2007 as corrected.

Sue Chamberlain seconded the motion.

7:05p.m. **VOTE: 5-0-0**

Reviewed the minutes of February 20, 2007

Sue Chamberlain motioned to accept the minutes of February 20, 2007 as corrected.

Marilyn Kozodoy seconded the motion.

7:07p.m. **VOTE: 5-0-0**

Reviewed the minutes of March 6, 2007

Marilyn Kozodoy motioned to accept the minutes of March 6, 2007.

Sue Chamberlain seconded the motion.

7:08p.m. **VOTE: 5-0-0**

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

Agent Updates:

- receipt of Enforcement Order by Fred Tonsberg
- site visit at Tarkiln Road on April 10, 2007 @ 10:00a.m.
- 20 Tarkiln Road, potential vernal pool is a vernal pool
- 35 Reed Street, approximately 18 trees cut within the buffer zone

7:15p.m. 45 River Street Request for Deviation
Present: Frank Catani

Frank Catani stated that once the building was set on the new footings, they had to go out 42' because of the handicap accessible ramp. He stated that he did not think it would be an issue.

Marilyn Kozodoy referred to a sketch dated July 13, 2006 and asked how it was engineered and when the issue with the handicap ramp was discovered.

Frank Catani stated that the project was not engineered and the issue was discovered once the building was moved.

Marilyn Kozodoy stated that some Commission members had concerns at the time of the filing.

The chairman asked what vegetation was in that location.

Maureen Thomas stated that *Spartina* species and sea lavender were in that location.

The chairman stated that to resolve the issue, they would need to mitigate or remove the ramp. He also asked about the width of decking spacing.

Frank Catani stated that the decking material spacing was 3/8" to 1/2".

Maureen Thomas asked if they would be able to cantilever the handicap portion of the ramp.

Frank Catani stated that it could be engineered, but it would be very difficult.

7:25p.m. Doug Dondero arrived.

Maureen Thomas asked if the pressure treated material was ACQ.

Frank Catani stated that he was not sure whether it was ACQ.

The chairman asked if the posts were bolted to the frame.

Frank Catani stated that the posts were bolted to the frame.

Maureen Thomas stated that the project was within the Riverfront Area, salt marsh, estimated and priority habitat, the conservancy zone and the flood plain overlay. Because the project would be considered redevelopment, mitigation could occur. Examples of

mitigation would be the removal of the anchor from the marsh or replacing the posts with ACQ material.

The chairman stated that the Commission should conduct a site visit and discuss some alternate ideas.

James Dehner asked how much foot traffic the area from the parking lot to the marsh received.

Frank Catani stated that foot traffic mostly involved people walking their dogs.

Maureen Thomas mentioned a modified rain garden to treat stormwater.

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

7:35p.m.

VOTE: 7-0-0

continued to April 17, 2007 @ 8:15p.m.

7:37p.m.

Continued a Public Hearing for a Notice of Intent for 51 Indian Pond Road, Map 73, Lot 5

Present: Al Vautrinot

Al Vautrinot stated that Orié Fontaine decided to move the garage closer to the property line. All of the pavement would be removed and the area would be re-landscaped. The driveway would be tilted toward Indian Pond Road.

Doug Dondero motioned to close the Public Hearing. William Underhill seconded the motion.

7:43p.m.

VOTE: 7-0-0

Doug Dondero motioned to issue Orders of Conditions with special conditions.

James Dehner seconded the motion.

7:44p.m.

VOTE: 7-0-0

7:45p.m.

Continued a Public Hearing for a Notice of Intent for 80 Elm Street, Map 55, Lot 22

Present: Darren Grady

Discussion regarding special conditions to be included in the Orders of Conditions

William Underhill motioned to close the Public Hearing.
Doug Dondero seconded the motion.

7:48p.m. VOTE: 7-0-0

William Underhill motioned to issue Orders of Conditions with special conditions.

James Dehner seconded the motion.

7:48p.m. VOTE: 7-0-0

Discussion regarding potential reduction of budget

8:09p.m. Opened a Public Hearing for a Notice of Intent for Ryan's Way, Map 52, Lots 3-1 thru 3-14

Present: Mark Flaherty, Bob Gray, Matt Dacey

Mark Flaherty presented aerial photographs to the Commission and the public.

Bob Gray stated that the ponds have fish stock and would therefore not be vernal pools. There were three to four species of fish in the ponds.

Mark Flaherty stated that they have met with the Zoning Board of Appeals, the Police Chief, the Fire Chief, the Water Commission and Matt Dacey has held an open house with the neighbors. The Zoning Board of Appeals is using Tom Sexton as their consultant and the project is designed to meet stormwater standards.

The chairman asked how much impervious surface had been added since the previous filing.

Mark Flaherty stated that the impervious area totaled 3.77 acres or 21% of the site. There will be 2.5 dwelling areas per acre.

Sue Chamberlain asked about gallonage used for water.

Mark Flaherty stated that there would be a 12" water main installed.

The chairman asked how many septic systems would need to be mounded.

Mark Flaherty stated that once the project was complete, mounded septic systems would not be seen. Twenty to twenty five percent of the homes would have elevated septic systems.

The chairman asked how much disturbance would occur within the riverfront area.

Mark Flaherty stated that four homes would be within the riverfront area with a total of 4900 square feet of disturbance.

The chairman asked when the review by Tom Sexton was expected to be completed.

Mark Flaherty stated that they were having a meeting with the Zoning Board of Appeals tomorrow night and are hoping for a follow up meeting in early May.

William Underhill asked if each home would have its own septic system.

Mark Flaherty stated that possibly ten homes could be sharing leaching fields.

James Dehner asked about the slope in the location where the four homes in the riverfront area would be located.

Mark Flaherty stated that they would have a 6' retaining wall.

Mark Flaherty stated that there would be a gravel walkway 4' – 5' in width used as a walking trail.

Maureen Thomas stated that she did not receive any information on how the project would meet performance standards of the Riverfront Area.

Mark Flaherty stated that there would be a 50' no touch area around the pond.

Bill Gallagher from 61 Higgins Road referred to the off street parking and asked if the impervious surfaces were represented on the plan.

Mark Flaherty stated that they are shown on the plans as gravel.

John Clisham from 26 Arbor Hills Drive asked if the Zoning Board of Appeals or the Board of Health had any issues with the design not being to town standard.

Mark Flaherty stated that they asked for a waiver / variance.

Paul Gallagher from 8 Longview Drive asked what the average yard size would be excluding the 30-40 clamshell parking spots, driveways, etc.

Mark Flaherty stated that they would have a 3500 – 5000 square foot area of lawn.

Paul Gallagher asked if this included a 40' buffer for the back lots.

Mark Flaherty stated that there was a 20' buffer along Newcombs Mill.

Paul Gallagher stated that at the Zoning Board of Appeals meeting, there was to be a 20' buffer plus an additional 20' landscaped buffer.

Paul Gallagher asked if there would be any maintenance requirements on the drainage systems.

The chairman stated that maintenance would be addressed.

Pine duBois from the Jones River Watershed Association asked about the quality of water leaving the site. She stated that there was an effort to restore the fisheries and brook trout. The standard for water quality is increased if brook trout are present. She also stated that the area should be a no salt area.

Arlene Yapple-Hatch voiced her concern about the increase in water on her property.

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

8:45p.m.

VOTE: 7-0-0

Site visit 4/19/07 @ 5:05p.m.

Continued to 5/15/07 @ 7:30p.m.

James Dehner asked Matt Dacey for permission to perform a site visit without the Commission on a separate day at Ryan's Way.

Matt Dacey stated that he would allow James Dehner to perform a site visit on a different day than the Commission.

8:48p.m.

Informal Meeting – Winthrop Street Cranberry Bogs

Present: Todd Brian, Tracy Pimental

Todd Brian stated that they were looking to purchase the property and continue farming the property. He stated that they were almost at the end of the five year period of not being working bogs which would make the cranberry bogs be considered abandoned. He stated that they would like to build a house and understand the need to file a Notice of Intent.

Maureen Thomas asked when the cranberry bogs were last farmed.

Todd Brian stated that they were last farmed in 2001.

The chairman stated that one of the cranberry bogs may have been constructed from an upland.

Todd Brian stated that he had spoken with the Army Corp of Engineers, the Department of Environmental Protection, the Cape Cod Cranberry Growers Association and the Plymouth County Conservation District.

The chairman asked if the reservoir was large enough to provide water for the cranberry bogs.

Tracy Pimental stated that her father had never mentioned any type of water shortage.

James Dehner asked about the process of bringing the cranberry bogs back to use.

Todd Brian stated that they would strip the cranberry bogs and farm them organically.

James Dehner asked where the stripped material would be placed.

Todd Brian stated that the stripped material would be used to fill one of the cranberry bogs.

Maureen Thomas asked if the Department of Environmental Protection (DEP) had any issues with the cranberry bogs being brought back into use.

Todd Brian stated that the DEP deferred to the Conservation Commission.

Maureen Thomas asked if the cranberry bogs would be renovated to modern standards.

Todd Brian stated that the bogs were up to modern standards.

The chairman stated that if they were planning to fill cranberry bog D, a full Notice of Intent would need to be filed.

James Dehner asked if once a cranberry grower decides to organically farm if they could change to non-organic farming.

Todd Brian stated that they could change to non-organic farming, but have good intentions with farming organically.

New Discussion regarding:

- Boy Scouts on Cranberry Watershed Preserve
- Earth Day
- Earth Removal Bylaw change from 1000 to 5000 cubic yards

William Underhill motioned to adjourn.

James Dehner seconded the motion.

9:28p.m.

VOTE: 7-0-0