

Kingston Conservation Commission Minutes

May 18, 2010

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

Discussion regarding Nobadeer Village – South Shore Survey review of drainage alteration

Sue Chamberlain motioned to table the bill and request additional information addressing the questions presented in the original letter for an estimate for the review.

Marilyn Kozodoy seconded the motion.

7:10p.m. **VOTE: 6-0-0**

Agent Updates:

- Town Meeting – move article for shellfish mitigation fund
- Conservation Office budget was approved as submitted without the use of the Wetlands Protection Fund
- Calista Land – agreement has been reached for purchase for \$920,000 with \$450,000 coming from the Community Preservation Act receipts, some funds hopefully from a LAND grant and some funds from a gift. A LAND grant application must be submitted from the Conservation Commission but Pine duBois may do most of it since she is more familiar with the property due to having written the CPC application

Sue Chamberlain motioned for the Conservation Commission to submit a LAND grant application for funding to aid in the purchase of the Calista Property off of Elder Avenue.

Marilyn Kozodoy seconded the motion.

7:21p.m. **VOTE: 6-0-0**

Agent Updates:

- Hall Land – site visit with Gary Langenbach and Olly DeMacedo to look at the cleared area within the 100' buffer zone to wetlands and the area where stumps have been pushed into the edge of the wetland, Ollie said that he would ask Paul Basler to restore the area of the stockpiled stumps after the Town purchases the land.
- Discussion regarding use of land

7:30p.m.

Continuation of a Public Hearing for a Notice of Intent for Off Elm Street, Map 62 Lots 5 thru 13, Map 71 Lots 1 thru 10 and 12 thru 21, Map 79 Lots 2 thru 4

Present: Deb Keller - representative, Peter Opachinski, Dana Miller

Maureen Thomas stated that new information had been received from Deb Keller including Stormceptor information, drainage calculations and revised plans.

Deb Keller stated that she reviewed basin areas that could be revised to comply with a 100 year storm event. Basins 10, 7 and 6 have been revised.

Deb Keller reviewed the revisions to the plans with the Commission.

Deb Keller requested three waivers from the Commission:

- Allowing no infiltration in basin 3
- 2 locations for grading within 25' of D series flagging to make drainage connection

Deb Keller presented an updated stormwater checklist.

Discussion regarding dredging the existing detention basins

Discussion regarding the use of Low Impact Development (LID) techniques

Maureen Thomas stated that the improvements to the plans were appreciated but the Commission was also looking for an updated approach to improving the site.

Deb Keller discussed pre-treating and low impact development. She mentioned having roof drains tied into drywells.

The Commission was polled and was in agreement that LID should be incorporated onto the site.

Deb Keller asked what LID the Commission felt comfortable with that she could explore.

The chairman mentioned the possibility of reconfiguring the straight swales.

Maureen Thomas stated that at this point they were in the late stages of the game with the drainage already designed. She stated that the Commission should have been involved with the Planning Board process.

The chairman recommended that they look at areas that they thought they could incorporate LID.

Maureen Thomas suggested using a wetland seed mix for the infiltration basins.

Deb Keller stated that they typically wouldn't propose the use of a wetland seed mix in the infiltration basins. She stated that they could use the seed mix in the forebay areas and restrict the mowing but it would have to be on the fringes.

Maureen Thomas stated that there would be no woody vegetation, just herbaceous.

Deb Keller stated that there would be no way to determine whether it would drain properly with wetland vegetation.

The chairman suggested that they come up with a plan to dredge the existing detention basins.

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

8:02p.m.

VOTE: 6-0-0
Continued to June 22, 2010 @ 7:30p.m.

8:02p.m.

Continued a Public Hearing for a Notice of Intent for Main Street, Map 58, Lots 92, 94, 96, 97 & 110

The applicant requested a continuation.

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

8:05p.m.

VOTE: 6-0-0
Continued to June 8, 2010 @ 8:45p.m.

Agent Updates:

- Elm Street Bridge – addendum to comments to Mass DOT
- Pine Brook Culvert Removal – could possibly commence next week
- MBCR 2010 Vegetation Control Program – herbicide application from June 27th – July 11th and touch up and brush application from August 30th – September 10th
- Finance Committee request to raise fees
- Pottle Street / Recreation Department – filed a Request for Determination of Applicability for work performed within the 100' buffer to bordering vegetated wetlands on an intermittent stream
- William O'Brien – submitted a complaint regarding Steve Emond. He contacted the Office of Dam Safety which referred him to the Conservation Commission. He was concerned that the dam would breach and when he contacted the Office of Dam Safety they recommended the removal of any vegetation 6" or greater in diameter.

8:16p.m.

Opened a Public Hearing for a Notice of Intent for 15 Baileys Circle, Map 27, Lot 57-6
Present: Joe Webby, Don Quinn

Joe Webby presented the project to the Commission and the public.

Don Quinn presented pictures of the site to the Commission.

Maureen Thomas stated that she had previously performed a site visit to this property with another contractor. She stated that the wetland delineation was conservative and the existing above ground pool was at the 25' no disturb line.

Don Quinn stated that the lowest amount of chlorine would be used in the proposed pool.

The chairman asked where the over wash from the pool would be directed.

Don Quinn stated that it could be directed towards the cul-de-sac.

William Kavol asked if the pool would be drained for the winter.

Don Quinn stated that the pool would never be drained.

The chairman asked what would be replacing the razed deck.

Don Quinn stated that he believed a smaller deck was proposed.

The chairman stated that it needed to be shown on the plans.

Maureen Thomas stated that no deck was proposed at this time. She requested that the plans be revised to include grading.

Sue Chamberlain motioned to continue the Public Hearing.

William Underhill seconded the motion.

8:34p.m.

VOTE: 6-0-0

Continued to June 8, 2010 @ 8:30p.m.

8:34p.m.

Continued a Public Hearing for a Notice of Intent for 3 Larson Road, Map 39 Lot 11, Map 38 Lot 300, Map 38 Lot 301

Present: Darren Grady

Maureen Thomas asked if the infiltrators for the roof run off would be large enough.

Discussion regarding what size storm event the infiltrators could handle

Maureen Thomas stated that she had taken measurements on site and they meet the 25' no disturb set back. She asked if there would be any stockpiling.

Darren Grady stated that all materials would be taken off site.

Discussion regarding potential conditions

Marilyn Kozodoy motioned to close the Public Hearing.

Daniel King seconded the motion.

8:20p.m.

VOTE: 6-0-0

Daniel King motioned to issue Orders of Conditions with special conditions.

Marilyn Kozodoy seconded the motion.

8:20p.m.

VOTE: 6-0-0

Discussion regarding 31 Station Street Certificates of Compliance

- Discussed normal height of water
- Area is normally drained and property owner needs to remove the boards from the culvert

8:46p.m. Continued a Public Hearing for a Request for Determination of Applicability for 46 Forge Road, Map 14, Lot 7-12

Present: Tom & Heidi Conner

Maureen Thomas asked if the retaining wall for the fill would be flush with the addition.

Tom Conner presented drawings showing the retaining wall flush with the addition.

Discussion regarding the retaining wall

Maureen Thomas reviewed potential conditions with the Commission.

Sue Chamberlain motioned to close the Public Hearing.

Daniel King seconded the motion.

8:54p.m. **VOTE: 6-0-0**

Sue Chamberlain motioned to issue a Negative Determination of Applicability with conditions subject to the receipt of a revised plan.

William Underhill seconded the motion.

8:56p.m. **VOTE: 6-0-0**

9:00p.m. Continued a Public Hearing for a Notice of Intent for 26 Wilder Road, Map 61, Lot 7

Present: Joe Webby, Nate Murray

Joe Webby presented the proposed mitigation to the Commission.

Maureen Thomas stated that there was 760 square feet of proposed mitigation including the cobblestone area. The proposed alteration is 727 square feet.

Joe Webby stated that part of the addition was proposed on existing asphalt.

Maureen Thomas stated that she was invited to a meeting with Joe Webby and Nate Murray to discuss the mitigation plan but was unable to attend.

Discussion regarding potential special conditions

The chairman stated that he objects to a portion of the proposed cobblestone apron because it was on town property. He also stated that he felt that the Commission should not issue a permit for work on land that the applicant did not own.

The chairman stated that he did not feel a proposed addition would be an improvement over lawn area.

Maureen Thomas stated that she felt the Wetlands Protection Act could be interpreted in different ways.

Maureen Thomas asked the applicant if they would prefer to leave the proposed cobblestone apron off of the plan.

Nate Murray stated that he would prefer the approval to say that the cobblestone apron was contingent upon approval from the town.

William Underhill motioned to close the Public Hearing.

Daniel King seconded the motion.

9:15p.m. VOTE: 5-0-1 (William Underhill abstained)

Sue Chamberlain motioned to issue Orders of Conditions with special conditions as discussed. The cobblestone apron would be contingent upon approval from the town. If the town does not approve, the cobblestone apron would need to be moved on to the applicant's property or not be installed.

Daniel King seconded the motion.

9:18p.m. VOTE: 4-1-1 (Gary Langenbach opposed, William Underhill abstained)

Reviewed the draft minutes of April 20, 2010

Daniel King motioned to accept the minutes of April 20, 2010 as corrected.

Marilyn Kozodoy seconded the motion.

9:30p.m. VOTE: 5-0-1 (William Underhill abstained)

Daniel King motioned to adjourn.

Marilyn Kozodoy seconded the motion.

9:30p.m. VOTE: 6-0-0