

Kingston Conservation Commission Minutes

May 5, 2009

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

Agent Updates:

- 49R Main Street – work related to the enforcement still has not been completed, needs to hire someone to re-grade by hand because machinery sinks

7:02p.m. **William Kavol arrived.**

Agent Updates continued:

- Loring Bog – issue letter to Dana Miller from the Commission giving a warning that the next time erosion controls are not in place and sedimentation occurs a fine will be issued

Marilyn Kozodoy motioned to issue a fine if erosion controls were currently not in place.

William Underhill seconded the motion.

7:11p.m. **VOTE: 6-0-0**

Agent Updates continued:

- Manhasset Gardens – photos of overgrown blueberry patch. The agent is to ask Ron Maribett when he last performed some form of agricultural maintenance on the property.
- No Adverse Impacts Workshop May 11th
- 40R Planning Board Meeting May 18, 2009 @ 7:45p.m.

- RK Crossing – begin planting May 12th
- 22 Evergreen Street Superior Court hearing postponed to June
- Correira Easement – use Conservation Fund to pay fees to record the easement

Sue Chamberlain motioned to use up to \$250 from the Conservation Fund to record the Correira Easement with the provision that if more funds are needed to record the easement that the Conservation Agent can request additional funds from the Commission.

Marilyn Kozodoy seconded the motion.

7:22p.m. VOTE: 6-0-0

Discussion regarding:

- New structure on 211 Pembroke Street and whether it may be within Conservation Commission jurisdiction
- Brian Whidden lawn installation
- Site visit to the Kingston State Forest

7:32p.m. Continued a Public Hearing for a Notice of Intent for Wapping Road layout and Map 43, Lot 15

Present: Paul Basler, Lisa Goyer

Paul Basler stated that there were instances in the past where Mass Highway would cover the cost of a Vortech unit with Chapter 90 money. He stated that the Highway Department did not have the money for a Vortech unit.

James Dehner stated that he looked at the project as part one of a two step process. He stated that the Commission's job is to protect the river but that the Commission should settle for the upgrade for now.

The chairman stated that the safety aspect would be better but the impact on the river would be worse due to the proposed changes.

James Dehner stated that the real issue was that the proposed project was synchronizing and concentrating a water flow to the same source. He stated that the Commission should look at the safety and road issue also. The Brook is a drainage ditch that had been channelized.

The chairman stated that the project could not make the existing conditions worse.

William Kavol stated that it was a safety issue and the town could be sued.

William Underhill asked if the state might fund a Vortech unit if they were pushed.

The chairman stated that it would be taking away from the ability to do other projects.

Maureen Thomas asked about the \$50,000 set aside for the Route 27 project.

Paul Basler stated that due to cost overruns, the previous Town Administrator required them to hold \$25,000 per year for a period of four years. He stated that he would speak with the Town Administrator to see if she was willing to have the Town incur the cost.

Maureen Thomas asked about less costly issues.

James Dehner stated that the Commission needed to look at this project in the big picture. He stated that the Commission needed to pick and choose their battles and that they should look at it as a two phase project.

Sue Chamberlain stated that she agreed with James Dehner's premise, but why not take more time to look at other potential options.

Lisa Goyer stated that there was no treatment now for the stormwater but there would be some treatment with deep sump catch basins that were proposed.

Maureen Thomas mentioned raingardens and bioretention areas and asked if there was any potential for a leaching trunk like Pine duBois had mentioned at the last meeting.

Lisa Goyer stated that there was no place to put it.

James Dehner stated that currently the runoff is going over chemically treated areas. With this project, you are not putting the runoff thru nutrient loading.

Maureen Thomas asked how long the existing conditions regarding the catch basins being plugged and full of sediment had been occurring.

Paul Basler stated that he did not know how long existing conditions had occurred. He stated that this project was caused by Mr. Mathias going to his insurance company because of damage done to his bogs from one drain line. He stated that money is an issue with this project.

Marilyn Kozodoy mentioned that there were some comments about meeting the Stormwater Management Standards at the last hearing.

Maureen Thomas stated that they needed to meet the standards to all extents practicable.

The chairman asked if the catch basins could be designed to be retrofitted to fit a stormceptor unit.

Lisa Goyer stated yes.

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

8:00p.m.

VOTE: 6-0-0

Continued to May 19, 2009 @ 7:45p.m.

8:00p.m.

Opened a Public Hearing for a Request for Determination of Applicability for 4 Pine Street, Map 5, Lot 5

Present: Shane McGlone

Shane McGlone presented the project to the Commission. The Commission granted permission for the septic system upgrade prior to the Public Hearing because they certified it as an emergency.

The chairman asked where the failed system was located on the plans.

Shane McGlone stated that the new septic system was placed in the same spot as the failed system.

Maureen Thomas stated that there would be one condition on the Determination of Applicability to stabilize the soils as soon as possible.

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

8:05p.m. VOTE: 6-0-0

James Dehner motioned to issue a Negative Determination of Applicability with conditions.

Marilyn Kozodoy seconded the motion.

8:05p.m. VOTE: 6-0-0

Reviewed the draft minutes of April 7, 2009

James Dehner motioned to accept the minutes of April 7, 2009 as corrected.

Marilyn Kozodoy seconded the motion.

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

Discussion regarding budgets, response from the Finance Committee

8:15p.m. Continued a Public Hearing for a Notice of Intent for 6 Old Orchard Lane, Map 68, Lot 9

Present: Mark Guidoboni, John Rockwood

Maureen Thomas stated that the new plans were received today and they showed the sewer project engineer line, Bob Gray's delineation and John Rockwood's delineation. She also stated that there was a follow up report from Bob Gray and a report from John Rockwood.

Mark Guidoboni stated that there was a 17% reduction in the work area. The project would only require two trees to be removed. He stated that they significantly backed away from the wetland. He requested a waiver from the 25' no disturb zone to square off the storage area. He stated that the area was previously disturbed and maintained by the railway. Flag 17a was better defined by John Rockwood. Mark Guidoboni asked that John Rockwood's line be accepted by the Commission as the approved wetland line.

The chairman asked about reviewing the drainage.

Mark Guidoboni stated that he thought a review of the drainage would not be prudent due to the reduction of the scope of work and wanted to discuss this topic at the Public Hearing.

The chairman asked if the applicant was saying that the proposed rain garden would handle the drainage from the driveway that was considered impervious by the applicant.

Mark Guidoboni stated that Webby Engineering had determined that the proposed rain garden could handle the drainage from the driveway.

Maureen Thomas stated to the applicant that the wetland line and the proposed project are permitted at the same time.

Marilyn Kozodoy stated that the Commission needed to be allowed their process. The Commission was supposed to have the wetland line and the drainage calculations reviewed. The applicant already has had two reviews of his own project.

John Rockwood stated that he had flagged the upper boundary of the bank to the drainage ditch. He stated that he re-flagged the property with more flags covering the same distance.

James Dehner asked where the closest transect was for the delineation.

John Rockwood stated flag Z-17 was the closest transect.

Sue Chamberlain asked what would be encroaching on the 25' no disturb zone.

Maureen Thomas stated that there would be a chain link fence.

Mark Guidoboni stated that he was proposing 674 square feet within the 25' no disturb zone of crushed stone.

Maureen Thomas stated that there would also be a small amount of grading.

The chairman asked what would prevent someone reapplying to use the area years later if the Commission decided to waive the 25' no disturb zone to the drainage ditch. Is there any way to keep this from happening?

James Dehner stated that there could be a perpetual restriction and conservation posts placed on the property.

Discussion regarding conservation posts on the property

Mark Guidoboni stated that he had no issue with placing conservation posts on the property.

Maureen Thomas stated that the Conservation Commission needed the stormwater reports and calculations.

Discussion regarding hiring a review consultant for review of the drainage calculations

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

8:45p.m.

VOTE: 6-0-0

Continued to June 9, 2009 @ 7:30p.m.

8:45p.m.

Opened a Public Hearing for a Request for Determination of Applicability for 1 Lantern Lane, Map 49, Lot 143

Present: Steven Tomasi

Steven Tomasi stated that they were proposing to use permeable pavers for the patio and walkway. He explained permeable pavers to the Commission and the public.

James Dehner asked what type of maintenance would be required with permeable pavers.

Steven Tomasi stated that the joint requires a little bit of maintenance. He suggests power washing them every five years and reapplying ¼" stone.

James Dehner asked if there was enough sheet flow to worry about.

Maureen Thomas stated that the walkway and stairs are pre-existing and only the patio was new but within an existing yard. Because the applicant would be using permeable pavers, it won't contribute much runoff.

James Dehner recommended erosion controls as a condition for the Determination of Applicability.

Maureen Thomas stated that there would be a reduction of imperviousness on site.

James Dehner motioned to close the Public Hearing.
William Underhill seconded the motion.

9:01p.m. VOTE: 6-0-0

James Dehner motioned to issue a Negative Determination of Applicability with conditions.

Sue Chamberlain seconded the motion.

9:02p.m. VOTE: 6-0-0

9:02p.m. Opened a Public Hearing for a Notice of Intent for 3 Lantern Lane, Map 49, Lot 145

Present: Carmen Hudson, Mr. & Mrs. Rothschild

William Underhill disclosed that he was acquainted with the applicant but it would not affect his decision.

Carmen Hudson presented the project to the Commission and the public.

James Dehner requested that the Commission perform a site visit to the property.

The chairman asked about the size of the existing structure.

Carmen Hudson stated that the existing dwelling was 1,418 square feet.

Richard Rothschild stated that 2/3 of the building would be one story and 1/3 of the building would be two stories. He explained the proposed cistern to the Commission and the public.

James Dehner asked if the water from the cistern would only be used for irrigation.

Richard Rothschild stated that the gray water system was only for irrigation.

The chairman asked where the 20' by 2' by 2' French drain was being installed.

Carmen Hudson stated that it would be located under the deck.

James Dehner asked how the cistern would be maintained during the winter.

Richard Rothschild stated that it would be kept in the basement.

The chairman asked where the splash pad would be located.

Carmen Hudson showed the splash pad on the plans.

Marie Santucci from 31 East Avenue stated that her concern had nothing to do with Conservation. She stated that the extension of the house to the left was going to obstruct her view and she would like to go to the property with her engineer to perform measurements. She asked who she should address this concern to.

Richard Rothschild stated that the highest part of the building would be 21'6".

Maureen Thomas stated that they were extending the house an additional 6' minus the landing.

The chairman recommended speaking with the Building Inspector and her neighbors.

Discussion regarding the proposed deck

Carmen Hudson stated that since the deck was going to be cantilevered, the bottom most member would be 2' above elevation 15.

Maureen Thomas stated that if any part of a substantially new structure was within the velocity zone, the whole structure would need to be elevated.

Carmen Hudson stated that she could look into this and possibly revise the plan.

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

9:37p.m.

VOTE: 6-0-0

Continued to May 19, 2009 @8:15p.m.

Site visit May 12, 2009 @ 4:30p.m.

Discussion regarding Camp Nekon

James Dehner motioned to adjourn.
Sue Chamberlain seconded the motion.

9:45p.m.

VOTE: 6-0-0