

Kingston Conservation Commission Minutes

June 17, 2008

- 7:03p.m.** The chairman called the meeting to order.
Present: Gary Langenbach (chairman), Marilyn Kozodoy, James Dehner, William Whitehill, William Underhill
Staff: Maureen Thomas, Conservation Agent and Brandi Gordon, Secretary
- Reviewed the draft minutes of May 6, 2008
- William Underhill motioned to accept the minutes of May 6, 2008 as corrected. James Dehner seconded the motion.
- 7:06p.m. VOTE: 5-0-0**
- 7:06p.m. William Kavol and Sue Chamberlain arrived.**
- Reviewed the draft minutes of May 20, 2008
- James Dehner motioned to accept the minutes of May 20, 2008 as corrected. Marilyn Kozodoy seconded the motion.
- 7:15p.m. VOTE: 7-0-0**
- Discussion regarding:
- Conservation Restriction application for Holmes Property
 - 83 Howlands Lane – no Notice of Intent filed
- James Dehner motioned to issue an initial fine and letter giving the applicant two weeks from the date of receipt as a deadline to file their Notice of Intent. Fining would commence after the two week deadline if the Notice of Intent is not received.
- Sue Chamberlain seconded the motion.
- 7:17p.m. VOTE: 7-0-0**
- Discussion regarding:
- 49R Main Street – postpone planting trees and shrubs to the fall
- James Dehner motioned to postpone the planting of the trees and shrubs until the fall.
- Marilyn Kozodoy seconded the motion.
- 7:20p.m. VOTE: 7-0-0**
- Discussion regarding:
- Peter Fletcher available to review the Cole Avenue wetland delineation
 - Route 27 project beginning
 - Wapping Road Dam Feasibility Study kick off meeting today

- Silver Lake Sanctuary – family’s request to place a monument on property in memory of their son

7:30p.m.

Continued a Public Hearing for a Notice of Intent for 73 Evergreen Street, Map 36, Lot 103

Present: Frank Westgate

Frank Westgate reviewed the revisions to the plans with the Commission.

Maureen Thomas asked if there would be a dumpster on site.

Frank Westgate stated that there would be a 6’ by 7’ concrete pad and that the dumpster would be covered.

Maureen Thomas asked if a berm would be installed to keep any liquids from running off of the concrete pad.

Frank Westgate stated that they would install a berm.

Maureen Thomas asked if there would be a construction entrance.

Frank Westgate stated that there would be a temporary stone apron in addition to the haybales.

Discussion regarding the treatment of the paved areas and the location of snow storage

Maureen Thomas asked if the infiltration system and rain gardens would be maintained by a homeowners association.

Frank Westgate stated yes.

Maureen Thomas asked the Commission if they wanted to request inspection reports of the stormwater infiltration system.

The chairman stated that it was a rather minor project to request inspection reports. He stated that the Commission could request copies of the reports for the first two years to see how the rain gardens were functioning.

Marilyn Kozodoy motioned to close the Public Hearing.

James Dehner seconded the motion.

7:44p.m.

VOTE: 7-0-0

Marilyn Kozodoy 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 off Grove Street, Map 22, 31 & 32, Lots 29, 15 & 5-2

Present: Brian Donahoe, Peter DelPrete, Karen Horn

Brian Donahoe stated that they kept everything outside of the buffer zone except the bridge.

Marilyn Kozodoy stated that she had used Micropro Smart Sense Decking recommended by her contractor as being more environmentally safe. She presented the tag from the lumber to Brian Donahoe to consider as an alternative material.

Maureen Thomas stated that the pilings were the only portion that needed some pressure treatment due to the fluctuation of the water table.

Discussion regarding removing the spacing on the bridge to keep water and any other materials from spilling over the sides of the bridge and directing it to infiltration on the west side of the bridge

William Underhill asked if the bridge would be crowned in the middle.

Brian Donahoe stated that the bridge would be crowned slightly, but not like a normal roadway.

Maureen Thomas asked if the stormwater structures were outside of the 100' buffer zone.

Brian Donahoe stated that the stormwater structures were within the buffer zone.

Maureen Thomas stated that there were two concrete retaining walls, pilings, fill, runoff / rubbish within the buffer zone. She asked if there would be any management plan for the bridge.

Brian Donahoe stated that there would be a stormwater prevention plan in two phases, construction and post construction. He stated that there would be an onsite management team performing landscaping and other duties.

James Dehner stated that they needed a system in place for cleaning the catch basins, etc.

Maureen Thomas stated that they could condition the Orders with no snow in the resource area and no use of salt on the bridge.

Discussion regarding salt use on the bridge and plowing of snow

James Dehner stated that sand clean up would be needed and should be addressed.

Maureen Thomas asked if a post construction Operations and Maintenance Plan had been developed.

Brian Donahoe stated that the Operations and Maintenance Plan was still in draft form.

Discussion regarding possible walking trail along the edge of the properties

Sue Chamberlain asked who would handle the Conservation Restriction.

The chairman stated that a third party would handle the Conservation Restriction and they would ask for a stewardship fund.

Discussion regarding who would hold the Conservation Restriction

Maureen Thomas asked if there were any problems with the mitigation plan.
Discussion

Maureen Thomas stated that the entrance on Three Rivers Drive was within 100' of cranberry bogs and asked if they would be installing a construction entrance.

Peter DelPrete stated yes.

The chairman stated that they needed to re-direct the overflow from catch basin 3 off of the conservation property. He stated that the Commission did not allow water from one property to be discharged to another property.

Maureen Thomas suggested putting a small rain garden at the discharge point.

Discussion regarding stormwater

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

8:42p.m.

VOTE: 7-0-0

James Dehner motioned to issue Orders of Conditions with special conditions.
Marilyn Kozodoy seconded the motion.

8:46p.m.

VOTE: 7-0-0

8:46p.m.

Continued a Public Hearing for a Notice of Intent for 187 Summer Street, Map 20, Lot 3

Present: Robert Kraus, Esq., David Baker, Mark Manganello

David Baker reviewed history of the property and plans. He presented pictures to the Commission of fall and spring visibility of the plaza. He stated that visibility and security was an issue. He stated that all catch basins from Mass Highway were choked full. He stated that they needed to get into the river to clean the area and clean out the Mass Highway structures.

Marilyn Kozodoy asked what type of marketing analysis was done to show that they needed to remove this vegetation to increase visibility. She suggested better signage.

David Baker stated that the renters wanted better visibility to attract impulse shoppers.

Rob Kraus, Esq. stated that there have been situations in the past where improving visibility had been allowed.

Marilyn Kozodoy stated that this project was for removal of vegetation and not vista pruning.

David Baker stated that they were proposing to replace the removed trees with lower growing trees.

Mark Manganello reviewed the plans with the Commission.

Mark Manganello stated that they were proposing to remove 100 trees greater than 4" in diameter and proposing to plant 190 bushes.

James Dehner stated that the water temperature would increase and asked how that would affect the habitat downstream.

Mark Manganello stated that the effect would be minimal.

James Dehner stated that he was concerned with the trees having nesting habitat.

Mark Manganello stated that there were primarily birds using the area.

James Dehner stated that he was struggling with allowing the cutting of trees. He stated that it was not a vista pruning project and asked where this would fit into the Wetlands Protection Act.

Mark Manganello stated that they would lose the height of the trees but would gain water quality and re-establish vegetation.

Marilyn Kozodoy asked if the applicant was improving water quality in order to be able to remove the trees.

Dave Baker stated they would not improve the water quality unless the trees could be removed.

Sue Chamberlain stated that she was opposed to allowing the applicant to cut this many trees but was trying to keep an open mind.

William Underhill stated that cutting the proposed amount of trees would be a great loss. He suggested creating larger gaps for visibility and improving the signage.

Maureen Thomas asked how many trees were proposed to be cut.

Mark Manganello stated that they were proposing 100 trees greater than 4" in diameter.

James Dehner stated that he thought sunlight would allow more invasive plants and they would have a more difficult time with phragmites.

Mark Manganello stated that he disagreed and felt that the improvement in the water quality and flow would improve the area.

Maureen Thomas asked Robert Kraus, Esq. if only vista pruning occurred at the Sullivan Brothers site.

Robert Kraus, Esq. stated that there was a significant amount of pruning and some cutting. He stated that it was more like a landscaping project at the Cranberry Crossing location.

William Underhill motioned to continue the Public Hearing.

Sue Chamberlain seconded the motion.

9:30p.m.

VOTE: 7-0-0

James Dehner motioned to re-open the Public Hearing.

William Underhill seconded the motion.

9:31p.m.

VOTE: 7-0-0

Maureen Thomas stated that there were alternatives to the proposed plan in the Riverfront Area. She stated that there could be no removal of trees below flood zone elevation 36, within land under water or within the BVW. She stated that activities would require a waiver of the 25' no disturb buffer zone.

Discussion regarding scheduling a site visit and having the trees to be removed marked

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

9:35p.m.

VOTE: 7-0-0

Continued to August 5, 2008 @ 7:30p.m.

Sue Chamberlain motioned to adjourn.
Marilyn Kozodoy seconded the motion.

9:37p.m.

VOTE: 7-0-0