

Kingston Conservation Commission Minutes

June 23, 2009

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

Agent Updates:

-Berrybrook Fields Conservation Restriction

Marilyn Kozodoy motioned to accept the Berrybrook Fields Conservation Restriction.

Sue Chamberlain seconded the motion.

7:05p.m. **VOTE: 4-0-1 (Gary Langenbach abstained)**

Agent Updates:

- 18 Brook Street – hearing for non-payment of fine today; property owner did not show; Clerk Magistrate will draft a complaint for us to sign; will be scheduled for July 30th along with the 49R Main Street arraignment
- 42 Indian Pond Road – property owner concerned that a stream and wetland that runs behind her house seems to be growing/moving closer to her house; Conservation Agent and Highway Superintendent will perform site visit next week to see if the culvert and/or upstream outflow is blocked
- 8 Braunecker – new owner asking if a sewer connection would be allowed within the driveway. Commission consensus that the property owner would have to file with the Commission but could probably install the sewer connection within the driveway.

Reviewed the draft minutes of May 5, 2009

William Underhill motioned to accept the minutes of May 5, 2009 as corrected.

Marilyn Kozodoy seconded the motion.

7:28p.m. VOTE: 5-0-0

7:30p.m. Opened a Public Hearing for a Notice of Intent for Route 3 northbound ramps at Exit 8 and Cranberry Road, Map 76, Lots 4 and 8

Present: Dave Pickart, Lloyd Geisinger, Matt Hayes, David Eastridge, Lindsay Wilson

Maureen Thomas read Anne Bingham's letter into the record. She stated that she did not believe there was any reason not to proceed with the Public Hearing. She asked if all abutters within 100' were notified.

Lindsay Wilson stated that they notified the list of abutters they had for the Planning Board which was more than necessary.

The applicant presented the Notice of Intent signed by Town Administrator Jill Myers.

Dave Pickart presented the project to the Commission.

Discussion regarding having an outside consultant review the drainage

Marilyn Kozodoy motioned to request the applicant to submit \$5000.00 to hire an outside consultant for review of the drainage.

William Underhill seconded the motion.

8:07p.m. VOTE: 5-0-0

Marilyn Kozodoy motioned to continue the Public Hearing.

William Underhill seconded the motion.

**8:08p.m. VOTE: 5-0-0
Continued to July 7, 2009 @ 8:30p.m.**

8:10p.m. Continued a Public Hearing for a Notice of Intent for 6 Old Orchard Lane, Map 68, Lot 9

Present: Mark Guidoboni

Maureen Thomas stated that the review of 6 Old Orchard Lane had been received.

Soil testing was performed which showed that there was sandy loam type A soils.

Mark Guidoboni stated that they were going to treat the drainage from the street into the rain garden but can't because the site would be higher than the road. He stated that there would be a grassed swale instead which would treat some of the runoff.

Discussion regarding the requirement of 2' of separation to groundwater

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

8:20p.m. VOTE: 5-0-0
Continued to July 7, 2009 @ 8:15p.m.

8:20p.m. Opened a Public Hearing for a Request for Determination of Applicability for 14 West Street, Map 41, Lot 14
Present: Gary Stefani

Gary Stefani presented the completed project to the Commission.

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

8:25p.m. VOTE: 5-0-0

Sue Chamberlain motioned to issue a Negative Determination of Applicability.

William Underhill seconded the motion.

8:25p.m. VOTE: 5-0-0

8:26p.m. Opened a Public Hearing for a Notice of Intent for Elder Avenue, Map 57, Lot 74

Present: Rich Tabyzinski, John Calista, Robert Kraus, Esq.

Rich Tabyzinski presented the project and the wetland delineation to the Commission. He stated that the wetlands were delineated by LEC Environmental.

The chairman asked about Low Impact Development (LID) drainage with no overflows to the wetland.

Rich Tabyzinski stated that he understood the Commissions desires and did not want waivers from the Planning Board. He stated that it would be tricky for a subdivision to use LID like swales or rain gardens because the town would need to maintain them unless they were deeded to the owner. He stated that the swales along the roadway could be done but it would be more difficult.

Robert Kraus, Esq. stated that they did not want to create a very intense development. He stated that the lots are larger and there was not a lot of land to work with.

The chairman stated that there needed to be a compromise with the drainage because the detention basin was within Conservation Commission jurisdiction.

Maureen Thomas suggested looking into using the cul-de-sac for drainage and eliminating overflow pipes.

Rich Tabyzinski stated that the culvert with the overflow pipe was in a low area partially on the Calista property and partially on another property. He stated that they needed to fill this area which was approximately 2000 square feet and need to compensate for this.

LEC stated that there was no wetland vegetation and that it was a depression at elevation 21' with the wetland being at elevation 15'. The calculations show that the area may flood in a 100 year storm.

Maureen Thomas read the Historical Commission letter into the record.

Leonice Brock from 14 Spring Street stated that the project seems reasonable but was wondering about the size of the houses and whether the drawing was accurately showing the house size. She stated that the last two houses at the end of the cul-de-sac would be in a natural habitat that had been there for 52 years and would be the only piece left next to the river. She stated that she was hoping the Community Preservation Committee to buy that portion of land and hold it in its natural stated and in turn would provide value to the owner. She stated that she would

appreciate the consideration of conserving the parcel. She stated that the neighborhood was already impacted by L. Knife and this project would be adding ten more homes with services. She stated that there was only one way in and out of Spring Street which would be impacted with this project.

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

9:20p.m.

VOTE: 5-0-0

Site visit 6/30/2009 @ 5:30p.m.

Continued to July 21, 2009 @ 7:30p.m.

Marilyn Kozodoy motioned to adjourn.
William Underhill seconded the motion.

9:20p.m.

VOTE: 5-0-0